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U. S. DEPARTMENT OF AGRICULTURE.

BUREAU OF CHEMISTRY—BULLETIN No. 112, Part II.

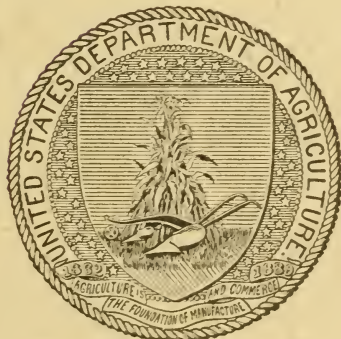
H. W. WILEY, Chief of Bureau.

FOOD LEGISLATION DURING THE YEAR
ENDED JUNE 30, 1907.

II. LAWS OF STATES AND TERRITORIES,
NEW JERSEY TO WYOMING,
INCLUSIVE.

By

W. D. BIGELOW,
CHIEF, DIVISION OF FOODS.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1908.

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U. S. DEPARTMENT OF AGRICULTURE.

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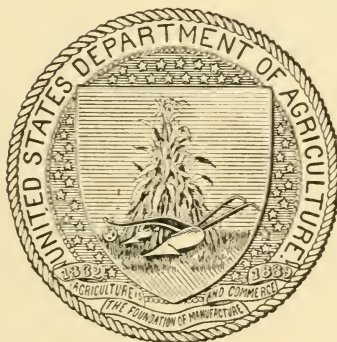
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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., February 17, 1908.

SIR: I have the honor to transmit a compilation of the food legislation enacted during the year ended June 30, 1907, by the several States and Territories, alphabetically arranged, from New Jersey to Wyoming, inclusive. I recommend that this compilation be published as Part II of Bulletin 112 of this Bureau.

Respectfully,

H. W. WILEY,
Chief of Bureau.

HON. JAMES WILSON,
Secretary of Agriculture.

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FOOD LEGISLATION DURING THE YEAR ENDED JUNE 30, 1907.

NEW JERSEY.

GENERAL FOOD LAWS.

SEC. 1. *Sale of adulterated food or drug prohibited.* No person shall distribute or sell, or manufacture for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug which under any of the provisions of this act is or shall be deemed to be adulterated or misbranded.

SEC. 2. *Definition of "drug" and "food."* The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used internally or externally for the cure, mitigation or prevention of disease of man or animal; the term "food," as used in this act, shall include every article used for food or drink by man or animal, and every ingredient of such article, and all confectionery and condiments.

SEC. 3. *Standards.* For the purposes of this act an article shall be deemed to be adulterated—

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow or other mineral substance, or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; *provided*, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sec. 4. Definition of "misbranded." The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

For the purposes of this act, an article shall also be deemed to be misbranded— * * *

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, acetphenetidine, or phenacetin or antipyrin, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular.

Sec. 6. Exemption; proviso. No article shall be deemed to be adulterated or misbranded within the meaning of this act when specially prepared for export to any foreign country, if such article shall be prepared and packed according to the direction of the foreign purchaser, and if no substance is used in the preparation or packing of such article which is prohibited by the laws of the foreign country for export to which said article was prepared; *provided*, that if such article shall be sold or offered for sale for use or consumption within the United States of America, then all the provisions of this act, with regard to adulteration and misbranding, shall apply thereto; *and provided further*, that all food products manufactured in this State during the year one thousand nine hundred and seven, in which preservatives are used, which preservatives are not now specifically prohibited by the Department of Agriculture of the United States, shall be exempt from the provisions of this act; *provided*, the use of such preservatives is stated upon the label or in branding such products, and also the date of their manufacture.

SEC. 25. Sampling. Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any article of food or drug, shall, on the request therefor and the tender of the value thereof by any chief or other inspector appointed under the authority of this act, deliver to such chief or other inspector so much of any such article of food or drug as said chief or other inspector may request; if such request shall not be immediately granted said chief or other inspector shall thereupon have the power to demand and take so much of any article of food or drug as such chief or other inspector may think proper, he, at the time of said demand

and taking, tendering to the person in charge of such article of food or drug what he may deem to be the reasonable value thereof; said chief or other inspector shall, at the time of the delivery to him of such article of food or drug, or of his demanding and taking the same, divide the sample so delivered or demanded and taken in the presence of the person from whom the request or demand was made or of a witness or witnesses into two or more parts, and shall duly seal two or more of said parts each in a suitable can, vessel or package, and, at the time of taking such sample, shall tender, and, if accepted, shall deliver one part to the person of whom the request or demand was made, with a statement, in writing, signed by said chief or other inspector, that such sample is taken for the purpose of examination; and in any prosecution of any person for the violation of any provision of this act no proof of any analysis thereof shall be given in evidence by the prosecutor unless a part of the sample shall have been sealed up and tendered, with such writing as aforesaid, to the person of whom the request or demand was made: *provided, however*, that in any prosecution for the sale of food or drug in violation of this act, proof of the analysis of the article so sold may be given in evidence on the part of the prosecutor, notwithstanding the fact that the purchase of such article may have been made by some person other than the chief or other inspector appointed under the authority of this act, if such article so sold in violation of this act shall immediately after such sale be delivered by the person so purchasing said article to the chief or any other inspector appointed under the authority of this act, and said chief or other inspector shall, upon such delivery to him, in the presence of the person from whom the request or demand was made or of a witness or witnesses, which witness may be the person who made the said purchase, divide the said article into two or more parts, and shall duly seal two or more of said parts, each in a suitable can, vessel or package and shall tender, and, if accepted, shall deliver to the person who sold the said article one part of such sample with a statement, in writing, signed by said chief or other inspector, that such sample is taken for the purpose of examination; the chief and every other inspector appointed under the authority of this act, whenever he has reason to believe that any of the provisions of this act concerning the sale or distribution of milk or cream, or the offering or exposing of milk or cream for sale, or the having of milk or cream in possession for the purpose of sale, is being violated, shall have power to open any can, vessel or package containing such suspected milk or cream, whether the can, vessel or package be sealed or locked or not, and whether it be in transit or not; and if, upon inspection, he shall believe that such milk or cream is being distributed or sold, or had in possession with intent to distribute or sell, or offered or exposed for sale, contrary to any of the provisions of this act, he may, in the presence of one or more witnesses, take a sample thereof and seal it in a can, vessel or package, and send the sample thus enclosed and sealed for analysis to any chemist appointed under the authority of this act; he may also, in any such case, condemn such milk or cream and pour it upon the ground.

SEC. 26. *Right of inspection.* The members of the State Board of Health and all chemists, inspectors and employes appointed by said board under authority contained in this act, shall have full and free access, ingress and egress to all places of business, factories, farms, buildings, hotels, restaurants, boarding-houses, carriages, cars, cans, vessels and containers used in the manufacture, sale, distribution or transportation of any article or product of food or drug: they shall also have power to examine and open any package, can or vessel containing or believed to contain any article of food or drug which may be manufactured or sold, or exposed for sale, or had in possession with intent

to sell in violation of any of the provisions of this act, and may inspect the contents therein and may take therefrom samples for examination.

SEC. 27. *Hindrance of agent, unlawful.* No person shall obstruct or in anywise interfere with any analyst, chemist, chief or other inspector or employe of the State Board of Health in the performance of any duty under this act.

SEC. 28. *Standards not fixed in the act conform to U. S. Department of Agriculture standards.* Any standard of purity, quality or strength of any food or drug, the purity, quality or strength of which is not fixed by any law of this State, which standard has been or hereafter may be established and published by the Secretary of the Department of Agriculture of the United States of America, may be adopted by the Board of Health of this State by resolution duly adopted at a regular meeting of said board, which resolution shall be certified to the Secretary of State by the Secretary of the State Board of Health, and shall be published at the end of the session laws of the Legislature next thereafter published after the adoption of said resolution, and the standard of purity, quality or strength of any food or drug as fixed in said resolution shall take effect when so published: *provided, however*, that if any such standard so adopted shall be changed by the Secretary of said Department of Agriculture it shall not continue in effect in this State after such change has become effective.

SEC. 29. *Standard must be adopted.* No person shall sell, or offer or expose for sale, or have in his possession with intent to sell, or manufacture for sale, any article of food or drug which differs in purity, quality or strength from the standard adopted and published in accordance with section twenty-eight of this act.

SEC. 30. *Enforcement.* The board of health of any municipality in this State may enforce the provisions of this act within said municipality, and shall have the power to designate from among its sanitary inspectors one or more inspectors who shall be known as inspector or inspectors of foods and drugs of such municipality, and whose duties shall be, besides the usual duties of a sanitary inspector in such municipality, to aid in the enforcement of this act in such municipality, and who shall have within the limits of such municipality all the powers and authority given to any inspector appointed under the provisions of this act. Such board may also appoint one or more analysts.

SEC 31. *Power of State Board of Health.* The State Board of Health shall enforce the provisions of this act and shall have the power from time to time to adopt, promulgate and publish, by circular or otherwise, such general rules and regulations for the government of the analysts, chemists, chief inspector and such other inspectors and employes appointed by the said board as they may deem proper; they shall also have the power to give to any analysts, chemists or chief inspector, or other inspector or employe appointed by the said board, such orders concerning any performance of duty as they from time to time may deem proper; they shall also have the power from time to time to appoint such analysts, chemists, chief inspector and other inspectors and employes as they may deem proper, who shall hold their respective positions during the pleasure of said board and perform such general or special services as said board may by their general rules and regulations or by their special orders require, and to fix and allow to said analysts, chemists, chief inspector and other inspectors and employes, respectively, such salaries, fees or compensation as the said board shall deem to be reasonable, which salaries, fees and compensation shall be paid out of the appropriations from time to time made by the Legislature for carrying out the provisions of this act; the said board shall have the power, and it shall be their duty, through said analysts, chemists, chief inspector and other inspectors and employes, and in such other ways as the said board may deem practicable, to make inquiries and investigations concerning alleged or

probable violations of any of the provisions of this act, to cause any and all persons guilty of any violation thereof to be prosecuted under the provisions of this act, and, generally, to adopt, carry out and enforce such rules and regulations as shall promote the purposes of this act.

SEC. 32. *Penalty.* Every person who shall violate any of the provisions of the first, eighth, eleventh, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third or twenty-fourth sections of this act shall be liable to a penalty of fifty dollars for the first offense, one hundred dollars for the second offense and two hundred dollars for the third and each subsequent offense.

SEC. 33. *Penalty.* Every person who shall violate any of the provisions of the twenty-seventh section of this act shall be liable to a penalty of one hundred dollars for the first offense and to a penalty of two hundred dollars for the second and each subsequent offense.

SEC. 35. *Penalty for violation of Secs. 7, 9, 10, 15, 29.* Every person who shall violate any of the provisions of the seventh, ninth, tenth, fifteenth or twenty-ninth sections of this act shall be liable to a penalty of twenty-five dollars for the first offense and to a penalty of fifty dollars for the second and each subsequent offense.

SEC. 38. *Payment of penalty exempts from prosecution.* Payment of a penalty for any alleged violation of this act, either before or after the institution of proceedings for the collection thereof, shall for the purposes of this act, be deemed equivalent to a conviction of the violation for which such penalty was claimed.

SEC. 39. *Violation of act at different places of business constitute separate offenses.* When any person shall violate any of the provisions of this act by manufacturing or producing any article of food or drug for distribution or sale, or by having any such article in possession with intent to distribute or sell, or by offering or exposing any such article for sale at different manufactories or places of business or in different wagons or conveyances on the same day or at the same time, the manufacture or production for distribution or sale, or possession with intent to distribute or sell, or offering or exposing for sale of any such article in violation of any of the provisions of this act at each such manufactory, place of business, or in each such wagon or conveyance, on the same day or at the same time, shall be deemed a separate and distinct violation of this act.

SEC. 40. *Method of procedure for prosecution.* Any and all penalties prescribed by any of the provisions of this act shall be recovered in an action of debt by and in the name of the Board of Health of the State of New Jersey, or by and in the name of any board of health of any municipality of this State, as the case may be, as plaintiff. The pleadings shall conform, in all respects, to the practice prevailing in the court in which any such action shall be instituted, but no pleading or process shall be set aside or invalidated by reason of any formal or technical defects therein if the same contain a statement of the nature of the alleged violation and of the section of this act alleged to have been violated, and upon the attention of the court being called to any such formal or technical defect the same shall be immediately corrected and the said pleading or process amended as a matter of course, and as to all other defects in pleadings or process the same may be amended, in the discretion of the court, as in any other action or proceeding in said court.

SEC. 41. *Execution of judgment.* When judgment shall be rendered against any defendant other than a body corporate execution shall be issued against his goods and chattels and body without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be

unable to find sufficient goods and chattels of said defendant in his bailiwick to make the amount of said judgment he shall take the body of the said defendant and deliver him to the keeper of the common jail of said county, there to be detained until discharged by the court in which such judgment was obtained, or by one of the justices of the Supreme Court when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs. In case judgment shall be rendered against a body corporate execution shall be issued against the goods and chattels of such body corporate as in other actions of debt.

SEC. 42. *Disposal of fines.* All penalties collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

SEC. 43. *Definition of person; employer responsible for agent.* The word "person," as used in this act, shall be construed to import both the plural and the singular, as the case may demand, and shall include corporations, companies, societies and associations, as well as individuals. When construing and enforcing any provision of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any individual, corporation, company, society or association within the scope of his employment or office, shall in every case be deemed to be the act, omission or failure of such individual, corporation, company, society or association, as well as that of the person.

SEC. 44. *Injunction to restrain violation.* Whenever any person shall violate any of the provisions of this act it shall be lawful for the State Board of Health, either before or after the institution of proceedings for the collection of the penalty imposed by this act for such violation, to file a bill in the Court of Chancery in the name of the State at the relation of such board for an injunction to restrain such violation and for such other or further relief in the premises as the Court of Chancery shall deem proper, but the filing of such bill, nor any of the proceedings thereon, shall not relieve any party to such proceedings from the penalty or penalties prescribed by this act for such violation.

SEC. 45. *Confiscation of goods.* Whenever any member of the State Board of Health or any chief or other inspector appointed under the authority of this act shall find any meat, milk, fish, bird, fowl, vegetable or other food of a perishable nature exposed or offered for sale, or had in possession with intent to sell, in violation of any of the provisions of this act, or in a state of rottenness or putrefaction, or in any condition which renders it in his opinion unwholesome or unfit for use for human food, he shall condemn the same and cause it to be destroyed or disposed of in such a manner as to make it impossible to be thereafter used for human food.

SEC. 46. *Guaranty exempts dealer.* No dealer shall be prosecuted under the provisions of this act for distributing or selling, or having in his possession with intent to distribute or sell, any article of food or drug which under any of said provisions shall be deemed to be adulterated or misbranded; *provided*, that said article of food or drug is distributed or sold or had in possession with intent to distribute or sell in the original unbroken package in which it was received by said dealer; *and provided further*, that he can establish a guaranty, signed by the wholesaler, jobber, manufacturer, or other person residing in the United States, from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the person making the sale of such article to such dealer, and in such case, said person, if he is a resident of this State, shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this act. If the guaranty is signed by a person who resides outside of this State, then the Board of Health of this

State shall report the facts in the case to the Secretary of Agriculture of the United States, or the proper officer appointed for the enforcement of the act of Congress, entitled "An act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," approved June thirtieth, one thousand nine hundred and six.

SEC. 47. *Act of April 20 not affected by this act.* Nothing in this act contained shall be construed to repeal, affect or impair the provisions of an act of the Legislature of this State entitled "A further supplement to an act entitled 'An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof,' approved March twenty-first, one thousand nine hundred and one," approved April twentieth, one thousand nine hundred and six, but said act shall continue in force as if this act had not been passed. All penalties imposed by said act shall be collected by an action of debt brought by and in the name of the Board of Health of the State of New Jersey, in accordance with the provisions of the fortieth and forty-first sections of this act.

SEC. 48. *Act of March 22 not affected by this act.* Nothing in this act contained shall be construed to repeal, affect or impair the provisions of an act of the Legislature of this State entitled "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," approved March twenty-second, one thousand eight hundred and eighty-six, or the acts supplementary thereto or amendatory thereof, but said act and its supplements and amendments shall continue in force as if this act had not been passed.

SEC. 49. *One section of the act shall not invalidate another.* In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

SEC. 50. *Expenditures.* The State Board of Health may expend annually, for the purposes of carrying out the provisions of this act, a sum not exceeding twenty thousand dollars, which sum shall be paid by the Treasurer of this State upon the warrants of the Comptroller; *provided, however,* that an appropriation therefor shall first be made by the Legislature.

SEC. 51. *Effect.* This act shall take effect on the first day of October, one thousand nine hundred and eight.

Approved May 20, 1907. Acts of 1907, ch. 217, pp. 485-502.

BREAD.

SEC. 8. *Inspection; unsanitary condition shall warrant closing of bakery.* The Commissioner of Labor shall be required to enforce compliance with all provisions of this act, and for that purpose it shall be his duty to have all bakeries visited and inspected at least once in six months; and whenever a complaint in writing, signed by any employe in any such bakery or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said commissioner, stating that any provision of this act is being violated in any bakery, it shall be the duty of the said commissioner forthwith to have the said bakery concerning which complaint is made visited and inspected. The visits or inspection shall be made in the presence of those then working or employed in said bakery, and during the usual hours of employment therein. All bakeries shall be kept at all times in a clean and sanitary condition. If on inspection the Commissioner of Labor find any bakery to be so unclean, ill drained or ill ventilated as to be unsani-

tary, he may, after not less than forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it be properly cleaned, drained or ventilated. If such bakery be thereupon continued in operation, or be thereafter operated before it be properly cleaned, drained or ventilated, the Commissioner of Labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word "unclean." No one but the Commissioner of Labor shall remove any such seal, label or sign, and he may refuse to remove it until such bakery be properly cleaned, drained or ventilated.—*As amended March 29, 1907; Laws of 1907, ch. 17, pp. 41-42. See Bul. 69, Rev., Pt. V, p. 383.*

Approved April 5, 1905. Laws of 1905, ch. 102, pp. 203-206; Supplement to an act approved March 24, 1904.^a

CONFECTIONERY.

See General Food Law, page 7.

DAIRY PRODUCTS.

SEC. 1. *Standard measure.* No person or corporation shall hereafter sell, offer for sale, or receive for the purpose of sale, any milk, skimmed milk or cream, except such sale, offer or receipt for sale, shall as to quantity be based upon the liquid gallon, containing two hundred and thirty-one cubic inches, or the liquid quart, containing fifty-seven and seventy-five one hundredths cubic inches, or the proper and complete liquid subdivisions thereof.

SEC. 2. *Labeling of cans.* Any cans originally containing more or less than forty quarts of milk or cream shall be labeled or tagged, naming in quarts the original capacity of liquid measure of such cans of milk or cream, but no can originally containing forty quarts liquid measure shall be labeled or tagged.

SEC. 3. *Milk and cream may be sold by weight, etc.* Nothing in this act shall be construed as prohibiting the buying or selling of milk or cream either by weight or on the butter fat basis.

SEC. 4. *Prosecution; penalty.* Any person violating any of the provisions of this act shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, before the Small Cause Court or District Court, by any person who may desire to sue therefor, who shall be designated in the state of demand and summons as plaintiff, and when recovery is had such penalty shall be paid to the county collector of the county in which the said violation occurred. It shall be unnecessary in proceedings brought under the provisions of this act to note the commencement of said suit or to endorse the process as in ordinary *qui tam* or actions brought by a common informer. When judgment shall be rendered against any defendant other than a body corporate, execution shall be issued against his goods and chattels and body without any order of the court for that purpose first had and obtained. If the officer executing any such writ shall be unable to find sufficient goods and chattels of the said defendant in his bailiwick whereof to make the amount of said judgment and costs of said suit, he shall take the body of the said defendant and deliver him to the keeper of the common jail of said county, there to be detained until discharged by the court in

^a Evidently an error; probably refers to law of 1903.

which such judgment was obtained or by one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the said judgment and costs. In case judgment shall be rendered against a body corporate, execution shall issue against the goods and chattels of such body corporate as in other actions of debt.

SEC. 5. *Effect.* This act shall take effect July first, one thousand nine hundred and seven.

Approved May 10, 1907. Laws of 1907, ch. 150, pp. 387-388.

SEC. 6. *Standard for milk and cream.* No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk which contains less than twelve per centum of milk solids, or more than eighty-eight per centum of watery fluids, or less than three per centum of milk fats; *provided, however,* that milk especially prepared for infant feeding, and sold in containers having a capacity of not more than ten fluid ounces each, shall not be deemed to be adulterated although pure water may have been added thereto or the standard thereof may differ from the standards fixed by this section, if each container shall have securely affixed to it a tag or label on which is plainly and legibly marked the words "modified milk for infant feeding," and also a true statement of the percentage of each ingredient of the milk in such container.

SEC. 7. *Standard for cream.* No person shall distribute or sell, or have in his possession with intent to distribute or sell, any cream which contains less than sixteen per centum of milk fats, unless the amount of milk fat contained therein is plainly and legibly marked on the outside of every can, bottle, vessel or container in which such cream is kept, stored, shipped, transported, or from which it is sold.

SEC. 8. *Unwholesome milk unlawful.* No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk or cream which contains any water, drug, chemical, preservative, coloring matter, condensed milk or any substance of any kind or character which has been added thereto or mixed therewith, or any milk or cream which is the product in whole or in part of any animal kept in a crowded, uncleanly or unhealthy place or condition, or which is the product in whole or in part of any animal fed on swill, or any substance in a state of rotteness or putrefaction, or on any substance of an unwholesome nature, or on any food or substance which may produce diseased or unwholesome milk. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk or cream which is produced in whole or in part from any animal within fifteen days before or five days after parturition.

SEC. 9. *Skimmed milk must be labeled.* No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, any milk from which the cream or any part thereof has been removed, unless every can, vessel or package containing such milk shall have a metal label or tag of metal distinctly, durably and permanently soldered in a conspicuous place upon the outside, and not more than six inches from the top thereof, with the words "skimmed milk" stamped, indented or engraved on the label or tag in letters not less than two inches in height, and the several lines of which shall not be less than three-eighths of an inch in width; *provided, however,* that every glass bottle, in lieu of such label or tag, may have blown in it the words "skimmed milk" in letters which shall not be less than one inch in height and the several lines of which shall not be less than one-eighth of an inch in width; such milk shall only be sold or shipped in or retailed out of a can, bottle, vessel or package so marked.

SEC. 10. *Use of polluted water prohibited.* No person shall distribute or sell, or offer for distribution or sale, or have in possession with intent to distribute or sell, any milk which has been produced in whole or in part by any animal which is not daily supplied with pure and wholesome water; and no person shall wash or attempt to cleanse any can, bottle, vessel or utensil used for handling or transporting milk which is intended for distribution or sale in water which is polluted, contaminated or impure.

SEC. 11. *Exposed milk unlawful.* No person having the possession or care of any milk which is intended for sale or distribution shall permit it to be exposed to, or contaminated by, the emanations, discharges or exhalations from any person sick with any contagious disease; and no person shall distribute or sell, or offer to distribute or sell, or have in his possession with intent to distribute or sell, any milk which has been so exposed or contaminated.

SEC. 12. *Custody of milk can.* No person having custody of a milk can, bottle or other vessel used as a container for milk intended for sale or distribution shall place or permit to be placed therein any article or substance other than milk or its products, or water or other agent used for cleansing such can, bottle or vessel.

SEC. 13. *Can must be used for this purpose only.* No person shall send, ship, return or deliver or cause or permit to be sent, shipped, returned or delivered to any producer, wholesaler or retailer of milk within this State any can, bottle or other vessel used as a container for milk containing any article or substance other than milk or its products.

SEC. 14. *Care of can by recipient of milk.* It shall be the duty of any person, persons or corporation to whom milk is shipped by any person in this State, before returning to such shipper the can or vessel used for transporting such milk, to remove all milk from such can or vessel and to thoroughly rinse such can or vessel with pure water or to cause the same to be done; and it shall be the duty of any person, persons or corporation shipping milk to any point or points within or without this State to thoroughly cleanse, or cause to be cleansed, the can or vessel used for transporting such milk before the milk is placed therein.

SEC. 15. *Labels, etc., to be kept intact.* No person shall in any way or manner erase, cancel, obliterate, deface, cover, remove or alter any brand, tag, label, or other marking required by any of the provisions of this act to be attached or affixed to any can, vessel, package or other container.

SEC. 34. *Penalty; provisos.* Every person who shall violate any of the provisions of the sixth section of this act shall be liable to a penalty of twenty-five dollars for the first offense and to a penalty of fifty dollars for the second and each subsequent offense; *provided, however*, that in any such case it shall be the duty of the Board of Health of the State of New Jersey or the local board of health, as the case may be, within forty-eight hours after making an analysis to cause to be mailed to the person charged with such violation a notice, stating that an analysis of the milk taken from the possession of such person has shown the same to be below the statutory standard with regard to solids, and that therefore such person is guilty of a violation of this act, and stating the liability incurred by such person by reason of such violation. In case the person charged with such violation has not previous thereto paid a penalty for any alleged violation of this act, or has not been convicted of any violation of this act, and shall within fifteen days after the mailing of said above-mentioned notice pay to the Attorney-General of this State, for the use of the State, or to the local board of health, for the use of the municipality, as the case may be, a penalty of fifteen dollars, no action for the recovery of a penalty shall be commenced against such person for said violation; *provided further*, that hereafter

the payment of a penalty for an alleged violation of this act, either before or after the institution of proceedings for the collection thereof, shall for the purposes of this subdivision be deemed equivalent to a conviction of the violation for which such penalty was paid.

It shall be a sufficient mailing of the notice required by this subdivision if the same is deposited in the post-office, postage prepaid, addressed to the name and address given by the person in charge of the milk from which such sample was taken, to the inspector or other person who took the said sample, as the name and address of the owner of the said milk from which such sample was taken.

SEC. 36. *Penalty.* Every person who shall violate any of the provisions of the fourteenth section of this act shall be liable to a penalty of ten dollars for each can, bottle or vessel returned or used in violation of said section or any of its provisions.

SEC. 37. *Penalty.* Every person who shall violate any of the provisions of the twelfth or thirteenth sections of this act shall be liable to a penalty of twenty-five dollars for each offense.

Approved May 20, 1907. Acts of 1907, ch. 217, pp. 488-499.

MEAT.

SEC. 24. *Slaughter of calves.* No person shall kill, or aid in killing for human food, any calf less than four weeks old. No person shall sell, or offer for sale, or have in his possession with intent to sell, any calf which has been killed when less than four weeks old, or any of the meat of such calf.

Approved May 20, 1907. Acts of 1907, ch. 217, p. 493.

VINEGAR.

SEC. 16. *Standard for cider vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as cider vinegar or apple vinegar, any vinegar which is not produced exclusively by the alcoholic and subsequent acetous fermentations of the juice of apples, or is not laevorotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than one and six-tenths grams of apple solids or less than twenty-five one-hundredths of one gram of apple ash in one hundred cubic centimeters. The water-soluble ash from one hundred cubic centimeters of the vinegar shall require not less than thirty cubic centimeters of deci-normal acid to neutralize its alkalinity, and shall contain not less than ten milligrams of phosphoric anhydride.

SEC. 17. *Standard for wine vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell as wine vinegar or grape vinegar, any vinegar which is not produced exclusively by the alcoholic and subsequent acetous fermentations of the juice of the grape, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than one and four-tenths grams of grape solids, or less than thirteen one-hundredths of one gram of grape ash in one hundred cubic centimeters.

SEC. 18. *Standard for malt vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as malt vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley, malt or cereals whose starch has been converted by malt, or is

not dextrorotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains less than two grams of solids or less than two-tenths of one gram of ash in one hundred cubic centimeters. The water-soluble ash from one hundred cubic centimeters of the vinegar shall require not less than four cubic centimeters of deci-normal acid to neutralize its alkalinity, and shall contain not less than nine milligrams of phosphoric anhydride.

SEC. 19. *Standard for sugar vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as sugar vinegar, molasses vinegar or syrup vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations of solutions of a sugar syrup, molasses or refiners' syrup, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

SEC. 20. *Standard for glucose vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as glucose vinegar, any vinegar which is not made exclusively by the alcoholic and subsequent acetous fermentations of solutions of starch sugar, glucose or glucose syrup, or is not dextrorotatory, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

SEC. 21. *Standard for spirit vinegar.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, as spirit vinegar, distilled vinegar or grain vinegar, any vinegar which is not made exclusively by the acetous fermentation of dilute distilled alcohol, or the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams.

SEC. 22. *Acidity, artificial color, and preservatives.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar, the total amount of acid in one hundred cubic centimeters of which, calculated as acetic acid, is less than four grams, or which contains any mineral acid, any artificial coloring matter or any preservative.

SEC. 23. *Labeling.* No person shall distribute or sell, or offer for distribution or sale, or have in his possession with intent to distribute or sell, any vinegar contained in any barrel, vessel, bottle or package, unless such barrel, vessel, bottle or package bears a label or imprint thereon in legible type, designating the name and address of the manufacturer of the vinegar and the name of the particular kind of vinegar contained therein.

Approved May 20, 1907. Acts of 1907, ch. 217, pp. 491-493.

NEW YORK.

GENERAL FOOD LAW.

SEC. 8. *Prosecution for penalties.* Whenever the commissioner of agriculture shall know or have reason to believe that any penalty has been incurred by any person for a violation of any of the provisions of this chapter, or that any sum has been forfeited by reason of any such violation, he may cause an action or proceeding to be brought in the name of the people for the recovery of the same. Such action may be brought in the county where the product is sold, offered or exposed for sale, or in the county where the adulteration or violation, or any part thereof, occurred.—*As amended April 11, 1907; Laws of 1907, vol. 1, ch. 138, pp. 184-185. See Bul. 69, Rev., Pt. V, p. 412.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes 1901, vol. 1, art. 1, pp. 159-165.

BREAD.

SEC. 111. *Drainage and plumbing of buildings and rooms occupied by bakeries.* All buildings or rooms occupied as biscuit, bread, macaroni, spaghetti, pie or cake bakeries, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary conditions thereof, and shall be constructed with air shafts, windows or ventilating pipes, sufficient to insure adequate and proper ventilation. No cellar or basement shall be occupied or used, as a bakery, unless the proprietor shall comply with the provisions of this article, except that any cellar or basement less than eight feet in height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not be altered to conform to the provision with respect to height of rooms. Basements or cellars used as confectionery and ice cream manufacturing shops, shall be not less than seven feet in height; except that any cellar or basement more than six feet in height which was used as a confectionery or ice cream manufacturing shop before October first, nineteen hundred and six, need not be altered to conform to this provision.—*As amended June 5, 1907; Laws of 1907, vol. 1, ch. 418, p. 870. See Bul. 69, Rev., Pt. V, p. 419.*

Laws of 1897, ch. 415; Cumming and Gilbert's General Laws and other General Statutes 1901, vol. 2, art. 8, p. 2080.

DAIRY PRODUCTS.^a

SEC. 22. *Impure milk or cream; labeling.* No person shall sell or exchange, or offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored, or unwholesome cream, or sell

^a See Appendix for Sec. 32 which was amended, and Sections 32^a and 32^b which were added during July, 1907.

or exchange, or offer or expose for sale or exchange, any substance in imitation or semblance of cream, which is not cream, nor shall they sell or exchange, or offer or expose for sale or exchange any such substance as and for cream, or sell or exchange or offer or expose for sale or exchange any article of food made from such milk or cream or manufacture from any such milk or cream any article of food. No person shall sell or exchange, or offer or expose for sale or exchange, as and for certified milk, any milk which does not conform to the regulations prescribed by and bear the certification of a milk commission appointed by a county medical society organized under and chartered by the medical society of the state of New York and which has not been pronounced by such authority to be free from antiseptics, added preservatives, and pathogenic bacteria, or bacteria in excessive numbers. All milk sold as certified milk shall be conspicuously marked with the name of the commission certifying it. Any person delivering milk to any butter or cheese factory, condensary, milk gathering station or railway station to be shipped to any city, town or village shall be deemed to expose or offer the same for sale whether the said milk is delivered or consigned to himself or another. Each and every can thus delivered, shipped or consigned, if it be not pure milk, must bear a label or card upon which shall be stated the constituents or ingredients of the contents of the can.—*As amended April 30, 1907; Laws of 1907, vol. 1, ch. 241, pp. 449-450. See Bul. 69, Rev., Pt. V, p. 421.*

SEC. 27. *Manufacture or mixing of animal fats with milk, cream or butter prohibited.* No person shall manufacture, mix or compound with or add to natural milk, cream or butter any animal fats or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream or have the same in his possession with such intent; nor shall any person solicit or take orders for the same or offer the same for sale, nor shall any such article or substance or compound so made or produced, be sold as and for butter or cheese, the product of the dairy. No person shall coat, powder or color with annatto or any coloring matter whatever, butterine or oleomargarine or any compound of the same or any product or manufacture made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream by means of which such product, manufacture or compound shall resemble butter or cheese, the product of the dairy; nor shall he have the same in his possession with intent to sell the same nor shall he sell or offer to sell the same. No person by himself, his agents or employees, shall manufacture, sell, offer or expose for sale, butter that is produced by taking original packing stock or other butter or both and melting the same, so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk or milk or cream or other milk product and rechurning the said mixture, or that is produced by any similar process and is commonly known as boiled or process butter, unless he shall plainly brand or mark the package or tub or wrapper in which the same is put up in a conspicuous place with the words "renovated butter" or "process butter." If the same shall be put up, sold, offered or exposed for sale in prints or rolls, then the said prints or rolls shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words "renovated butter" or "process butter." If the same is packed in tubs or boxes or pails or other kind of a case or package the words "renovated butter" or "process butter" shall be printed on the top and side of the same in letters, at least, one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale, uncovered, not in a package or case, a placard containing the label so printed

shall be attached to the mass of butter in such manner as to easily be seen and read by the purchaser. Every person selling, offering or exposing for sale at retail, "renovated butter" or "process butter," shall cause each parcel or package of such butter delivered to or for a customer to be wrapped in a light colored paper on which shall be printed in black letters, not less than three-eighths inch square and in Gothic type, the words "renovated butter" or "process butter." No person shall sell, offer or expose for sale, any butter or other dairy products containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese, or spirituous liquors in club or other fancy cheese or sugar or in condensed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the agricultural law. Any person, firm, association or corporation selling, offering or advertising for sale any substance, preparation or matter for use in violation of the provisions of the agricultural law shall be guilty of a violation of this act.—*As amended May 7, 1907; Laws of 1907, vol. 1, ch. 322, pp. 578-80. See Bul. 69, Rev., Pt. V, pp. 423-424.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, art. 2, pp. 165-176.

FRUIT.

SEC. 185. *Evaporated apples.* No person shall buy for resale, sell, expose or offer for sale as and for evaporated apples any evaporated apples intended to be used for food, or for consumption by any person, other than standard evaporated apples.—*As amended June 11, 1907; Laws of 1907, vol. 1, ch. 483, p. 1039. See Bul. 69, Rev., Pt. V, p. 428.*

SEC. 187. *Labeling and packing of apples, pears, and peaches.* No person or persons shall sell, offer or expose for sale apples, pears or peaches as and for New York state grown apples, pears or peaches if they were not grown or produced within the State of New York; nor shall they brand or label the package or barrel containing such apples, pears or peaches as New York state apples, pears or peaches if they were not grown or produced within the state of New York. Any person or persons packing or repacking or causing apples or pears to be packed or repacked, to be sold upon the market, shall pack or repack or cause them to be packed or repacked in such a manner that each separate package or barrel shall be packed substantially uniform without intent to deceive the purchaser. Any person, persons or corporations buying from a grower apples or pears which are packed in packages or barrels, marked or labeled with the name of the grower, who causes such apples or pears to be repacked in the same packages or barrels or who uses the same packages or barrels for the packing of other fruit or apples or pears shall erase from such package or barrel the name of the grower or packer first or originally placed thereon. But the facing of such package or barrel is not prohibited by this act.—*Added July 20, 1907; Laws of 1907, vol. 2, ch. 684, pp. 1558-1559. See Bul. 69, Rev., Pt. V, p. 428.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, Supplement 1904, vol. 4, art. 13, p. 45.

NORTH CAROLINA.

GENERAL FOOD LAWS.

SEC. 1. *Sampling; publication.* For the purpose of protecting the people of the State from imposition by the adulteration and misbranding of articles of food, drugs, confectionery or liquors, the Board of Agriculture shall cause to be procured from time to time, and under rules and regulations to be prescribed by them in accordance with section eleven of this act, samples of food, drugs, confectionery or liquors offered for sale in the State, and shall cause the same to be analyzed or examined microscopically or otherwise by the chemists or other experts of the Department of Agriculture. The Board of Agriculture is hereby authorized to make such publication of the results of the examination, analyses, and so forth, as they may deem proper.

SEC. 2. *Penalty.* No person, firm or corporation, by himself, or agent, shall manufacture, sell, expose for sale, or have in his possession with intent to sell, any article of food, drug, confectionery or liquor which is adulterated or misbranded within the meaning of this act, and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for such offense shall be fined not exceeding two hundred dollars for the first offense and for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court; and such fines, less legal costs and charges, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

SEC. 3. *Chemists to make analysis; prosecution.* The chemists or other experts of the Department of Agriculture shall make, under rules and regulations prescribed by the Board of Agriculture, examinations of specimens of food, drugs, confectionery or liquors offered for sale in North Carolina, which may be collected from time to time under their direction in various parts of the State; and if it shall appear from any such examination that any such specimen is adulterated or misbranded within the meaning of this act, that notice thereof shall be given to the manufacturer or party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the Commissioner and the Board of Agriculture, and if it appears that any of the provisions of this act have been violated, the Commissioner of Agriculture shall certify the facts to the Solicitor in the district in which such sample was obtained, and furnish that officer with a copy of the results of the analysis or other examinations of such article, duly authenticated by the analyst or other officer making such examination under the oath of such officer. In all prosecutions arising under this act the certificate of the analyst or other officer making the analysis or examination, when duly sworn to by such officer, shall be *prima facie* evidence of the fact or facts therein certified.

SEC. 4. *Solicitor to prosecute actions.* It shall be the duty of every Solicitor to whom the Commissioner of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases prescribed.

SEC. 5. *Definition of "drug" and "food."* The term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed or compound.

SEC. 6. *Adulteration defined.* For the purpose of this act an article shall be deemed to be adulterated: * * *

In case of confectionery:

First. If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed or packed with it, so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health. If it contains any of the following substances, which are hereby declared deleterious and dangerous to health when added to human food, to-wit: Colors which contain antimony, arsenic, barium, lead, cadmium, chromium, copper, mercury, uranium, or zinc; or the following colors: gamboge, corallin, picric acid, aniline, or any of the coal-tar dyes; saccharine, dulcin, glucin, or any other artificially or synthetically prepared substitute for sugar; paraffin, formaldehyde, beta-naphthol, abradol, benzoic acid or benzoates, salicylic acid or salicylates, boric acid or borates, sulphurous acid or sulphites, hydrofluoric acid or any fluorine compounds, sulphuric acid or potassium sulphate or wood alcohol: *Provided*, that catsups and condimental sauces may, when the fact is plainly and legibly stated in the English language on the wrapper and label of the package in which it is retailed, contain not to exceed two-tenths of one per cent. of benzoic acid or its equivalent in sodium benzoate. Fermented liquors may contain not to exceed two-tenths of one per cent. of combined sulphuric acid and not to exceed eight-thousandths of one per cent. of sulphurous acid.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that had died otherwise than by slaughter. In addition to the ways already provided, sausage shall be deemed to be adulterated if it is composed in any part of liver, lungs, kidneys or other viscera of animals: *Provided*, that the use of animal intestines as sausage casings shall not be deemed to be an adulteration.

Seventh. If it differs in strength, quality or purity from the standards of purity of food products that have been or may be from time to time adopted by the Board of Agriculture.

SEC. 7. *"Misbranded" defined.* The term "misbranded" as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement,

design or device regarding such article, or the ingredients or substance contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

For the purpose of this act an article shall also be deemed to be misbranded:

In the case of food:

First. If it be an imitation of, or offered for sale under the distinctive name of, another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein. That all cans, jars or other packages containing canned meats intended for food, shall have printed on the label thereof the correct date on which said food product was canned or put into said package, as provided in the National Pure Food Law.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of, or offered for sale under the distinctive name of, another article, if the name be accompanied on the same label or brand with a statement of the place and where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, the labeling is according to the rules prescribed by the Board of Agriculture: *Provided*, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *and provided further*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 8. *Animals slaughtered under unsanitary conditions; definition; confiscation; penalty.* It shall be unlawful for any person or persons, firm or corporation, to sell, or to have in his or their possession to sell for human food, the carcass or parts of carcass of any animal which has been slaughtered, prepared or kept under unsanitary conditions; and unsanitary conditions shall legally exist wherever and whenever any one or more of the following conditions appear or are found, to wit: If the slaughter-house is dilapidated and in

a state of decay; if the drainage of the slaughter-house or slaughter-house yard is not efficient; if maggots or filthy pools or hog-wallows exist in the slaughter-house yard or under the slaughter-house; if the water supply is not pure and unpolluted; if hogs are kept in the slaughter-house yard, or fed therein on animal offal, or if the odors of putrefaction plainly exist therein, or if kept in unclean, bad-smelling refrigerators, or if kept in unclean or bad-smelling storage-rooms.

All peace and health officers shall have the power and are commanded to seize any animal carcass or parts of carcasses which are intended for sale or offered for sale for human food, which have been slaughtered and prepared, handled or kept under unsanitary conditions as herein defined, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained, and said police judge or said justice of the peace shall, upon sworn complaint being filed, issue warrants of arrest for all persons who have violated the provisions of this section, and proceed to try the case. Any person, persons, firm or corporation found guilty of violating the provisions of this section shall be fined not less than ten nor more than one hundred dollars, and the meat in question shall be destroyed.

SEC. 9. *Exemption under guaranty; exception.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party, residing in North Carolina, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such cases said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act: *Provided*, that the above guaranty shall not afford protection to any dealer after the first offense in connection with a product from a particular wholesaler, jobber or manufacturer.

SEC. 10. *Standards to be fixed and published.* The Board of Agriculture shall, from time to time, fix and publish standards or limits of variability permissible in any article of food, drugs, confectionery or liquors, and the North Carolina Board of Pharmacy, shall, from time to time, fix and publish standards or limits of variability permissible in any article of drugs, and these standards, when so published, shall be the standards before all courts: *Provided*, that when standards have been or may be fixed by the Secretary of Agriculture of the United States, they shall be accepted by the Board of Agriculture, and published as the standards for North Carolina: *Provided*, that these standards shall not apply to United States Pharmacopœia and National Formulary preparations. The Board of Agriculture shall have authority to make uniform rules and regulations for carrying out the provisions of this act, and in the appointment of a drug inspector under the provisions of this act, they shall confer with the North Carolina Board of Pharmacy.

SEC. 11. *Purchase of samples.* Every person who offers for sale or delivers to a purchaser any food, drugs, confectionery or liquors, shall furnish within business hours and upon tender and full payment of the selling price, a sample of such food, drugs, confectionery or liquors to any person duly authorized by the Board of Agriculture to secure the same, and who shall apply to such manufacturer or vender or person delivering to a purchaser, food, drugs, confectionery or liquors, for such sample for such use in sufficient quantity for the analysis of such article or articles in his possession.

SEC. 12. *Obstructing operation of act a misdemeanor; penalty.* Any manufacturer or dealer who refuses to comply, upon demand, with the requirements

of section eleven of this act, or any manufacturer, dealer or person who shall impede, obstruct, hinder or otherwise prevent, or attempt to prevent, any chemist, inspector or other person in the performance of his duty in connection with this act, shall be guilty of a misdemeanor, and upon conviction be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned, in the discretion of the Court; and said fines, less the legal costs, shall be paid into the treasury of the State for the benefit of the Department of Agriculture, to be used exclusively in executing the provisions of this act.

SEC. 13. "*Person*" defined; employer responsible for agent. The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society or association within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

SEC. 14. *Violation of act a misdemeanor; confiscation; disposal of goods seized.* Any person, firm or corporation who shall manufacture, sell or offer for sale any article of food, drug or liquor that is adulterated or misbranded within the meaning of this act, shall be guilty of a misdemeanor, and in addition to being subject to the penalties already provided in this act, the article of food, drug or liquor shall be subject to seizure, condemnation and sale by the Commissioner of Agriculture, as is provided for the seizure, condemnation and sale of commercial fertilizers; and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury for the use of the Department of Agriculture in executing the provisions of this act; but no article or articles shall be sold in any jurisdiction contrary to the provisions of this act, or the laws of that jurisdiction: *Provided*, that the Commissioner of Agriculture shall have authority for the first offense to allow the shipment of such article or articles without the borders of the State.

SEC. 15. *Articles on hand at passage of act.* The provisions of this act shall not apply to drugs or articles of food on hand at the passage of this act.

SEC. 16. *Repeal.* All laws in conflict with this act are hereby repealed.

SEC. 17. *Effect.* Except as provided in section fifteen, this act shall be in force from and after July the first, one thousand nine hundred and seven.

Approved February 25, 1907. Public Laws of 1907, ch. 368, pp. 548-555.

CONFECTIONERY.

See General Food Law, page 23.

PRESERVATIVES.

See General Food Law, page 23.

NORTH DAKOTA.

GENERAL FOOD LAWS.

SEC. 1. *Appropriation.* There is hereby appropriated annually out of any money in the state treasury, not otherwise appropriated, the sum of ten thousand dollars to the North Dakota government agricultural experiment station at Fargo, the same to be used for the further and better enforcement of the food law, the drug laws, formaldehyde and paris green laws, the paint laws, and such other enacted food or drug laws as the said station may be charged with the enforcement of by acts of the legislative assembly, and also for the dissemination of information through bulletins and reports, which the said station is hereby authorized to publish from time to time setting forth the results of such analyses and investigations as are of interest to the people of the state and which are made under authority of the several acts hereinbefore named. The sum herein named shall be paid in equal semi-annual installments to the treasurer of the board of trustees of said station, upon the order of the state auditor, who is hereby directed to draw his order for the same; provided, that of the amount herein appropriated there shall be paid to Prof. E. F. Ladd, state pure food commissioner, in addition to any sum or sums he may from time to time receive as salary from the agricultural college, so long as he shall continue to fill said position, the sum of five hundred dollars annually, to be paid him quarterly.

SEC. 2. *Effect.* Whereas, it is important that the provisions of this act shall be in effect prior to July 1st, an emergency exists and this act shall take effect from and after its passage and approval.

Approved March 2, 1907. Laws of 1907, ch. 198, p. 326.

SEC. 1. *Adulterating and misbranding foods and beverages.* It shall be unlawful for any person, either himself or while acting as agent or servant of any other person or corporation, to manufacture for sale, sell, offer or have for sale, to solicit orders for, to store or to deliver within the state any article of food or beverage which is unwholesome, misbranded, adulterated or insufficiently labeled within the meaning of this act. The having in possession of such adulterated, unwholesome, misbranded or insufficiently labeled article or articles shall be deemed as prima facie evidence of the violation thereof. For the purpose of this act all condiments, extracts, vinegars, or other substances used in the preparation or compounding of foods or food products and beverages shall be deemed as articles of food.

SEC. 2. *What constitutes adulteration.* Any article of food or beverage shall be considered as misbranded, unwholesome, adulterated or insufficiently labeled within the meaning of this act:

First. If it contains any form of aniline dye or other coal tar dye, or if colored (and not in violation of clause six of this section) with a harmless vegetable dye and the name thereof is not given on the label.

Second. If it contains formaldehyde, benzoic acid, sulphurous acid, boric acid, salicylic acid, hydrofluoric acid, saccharin, benaphthol^a or any salt or antiseptic compound derived from these products, or other deleterious ingredient.

Third. If any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength or food value so that such article of food or beverage when offered for sale shall deceive or tend to deceive the purchaser.

Fourth. If any inferior or cheaper substance or substances have been substituted wholly or in part for the articles so that the product when sold shall deceive or tend to deceive the purchaser.

Fifth. If any necessary or valuable constituent of the article has been in whole or part abstracted.

Sixth. If it be an imitation of or offered for sale under the specific name of another article.

Seventh. If it be labeled, branded, colored, coated, or stained, whereby damage or inferiority is concealed, so as to deceive or mislead the purchaser, or if it be falsely labeled in any respect.

Eighth. If it consists wholly or in part of a diseased, decomposed, filthy or putrid animal or vegetable substance, or if such substance or substances be used in the preparation thereof, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Ninth. If every package, bottle or container does not bear the true net weight, the name of the real manufacturer or jobbers, and the true grade or class of the product, the same to be expressed on the face of the principal label in clear and distinct English words in black type on a white background, said type to be in size uniform with that used to name the brand or producer.

Provided, that an article of food or beverage shall not be deemed adulterated in the following cases:

First. If it be a compound or mixture of recognized food products not included in definitions sixth and eighth of this section, and if it be properly labeled or tagged to comply with the other provisions of section two.

Second. In the case of candies and chocolates if they contain no terra alba, barytes, talc, chrome yellow or other mineral substances or aniline dyes or other coal tar dyes or other poisonous colors, flavors or products detrimental to health.

Third. If in the case of baking powders or any mixture or compound intended for use as a baking powder they have affixed to each and every box, can or package containing such powder or like mixture or compound, a light colored label upon the outside and on the face of which there is distinctly printed with black ink and in clear legible type the name and address of the manufacturers, the true and correct analysis, and in a form to be prescribed by the North Dakota government agricultural experiment station of each and all the constituents or ingredients contained in or contributing a part of such baking powders or mixture or compound intended for use as a baking powder. The label shall bear no advertising or descriptive matters other than the name of the manufacturer, composition as prescribed for above, and directions for use.

Fourth. In the case of perishable goods put up in bulk, sodium benzoate or other less harmful preservatives may be used in proportion not to exceed one part in two thousand in such products and under such regulations as may be determined upon and proclaimed by the North Dakota government agricultural experiment station at Fargo. This clause shall not be applicable to any case

^a So in Statutes.

at any time where products can be commercially produced without the use of chemical preservatives. Where the use of preservatives is permitted the fact shall be clearly set forth on the face label in a form and manner to be prescribed by the North Dakota government agricultural experiment station at Fargo.

SEC. 3. *Penalty.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall for each offense be punished by a fine of not less than twenty-five dollars or more than one hundred dollars, and all necessary costs, including the expense of analyzing such adulterated articles when said person has been found guilty under this act. Products found to be adulterated within the meaning of this act may by order of the court be seized and ordered destroyed.

SEC. 4. *Attorney-general and state's attorney shall prosecute.* It shall be the duty of the attorney-general and the state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the North Dakota government agricultural experiment station as provided in sections seven and eight of this act.

SEC. 5. *Sampling.* The North Dakota government agricultural experiment station shall make analysis of food products and beverages on sale in North Dakota suspected of being adulterated, at such times and places and to such extent as it may determine and may appoint for the enforcement of the terms of this act a commissioner and such other agent or agents as it may deem necessary, and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act, and such commissioner, agent or agents and sheriffs shall have free access at all reasonable hours, for the purpose of examining into any place wherein it is suspected any article of food or beverage adulterated with any deleterious or foreign ingredient or ingredients exists, and such commissioner, agents or sheriff, upon tendering the market price of said article may take from any person, firm or corporation samples of any articles suspected of being adulterated as aforesaid, and the station may adopt or affix standards of purity, quality or strength when such standards are not specified or fixed by statute.

SEC. 6. *Food products analyzed on application; publication.* Any citizen of the state may, by prepaying the transportation charges, send any article of manufactured food or food product or beverage in the original package to said station to be analyzed, and such article, if not before analyzed, shall be analyzed and included in the next bulletin or report of the station as provided for in section nine of this act.

SEC. 7. *Prosecution instigated by experiment station.* Whenever said station shall find by its analysis that adulterated, misbranded or insufficiently labeled food products or beverages have been on sale in this state, it shall forthwith transmit the facts so found to the attorney general and the state's attorney of the county in which said food product was found.

SEC. 8. *Evidence for prosecution.* Every certificate duly signed and acknowledged by the chemist of the North Dakota government agricultural experiment station at Fargo relating to the analysis of any food, food products or beverage, shall be presumptive evidence of the facts therein stated.

SEC. 9. *Publication of analyses; expenses.* The said station shall make an annual report to the governor upon adulterated food products, and said report may be included in the report which the said station is already authorized by law to make to the governor and the said station is further authorized to publish or cause to be printed from time to time such bulletins as are found necessary for setting forth the results of analysis and investigations made under

this act, and in June and December of each year the said station shall furnish to the auditor of each county in the state a certified list of all adulterated foods, food products and beverages as found by such analysis, showing the name and brand of the article, the manufacturer and the reason for classing the same as illegal. The county auditor of each county shall cause the said list to be printed in the official papers of such county. Said publication shall be made in July and January of each year and shall continue for two successive issues, to be paid for by such county at the rate allowed by law for publishing the proceedings of the board of county commissioners.

SEC. 10. *Sheriff may collect samples; expenses.* It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provision of this act, to at once proceed to obtain by purchase a sample of the adulterated food, food products or beverage complained of, and forward the same to the said station for analysis, marking the package or wrapper containing the same for identification with the name of the person from whom procured, the date on which the same was procured and the substance therein contained. For his services hereunder the said sheriff shall be allowed the same fees for travel as are now allowed by law to sheriffs on service of criminal process, together with such compensation as may be by the county commissioners of his county deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said commissioners and paid by his said county as other bills of said sheriffs.

SEC. 11. *Action in violation of this act, void.* No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

SEC. 12. *Repeal.* All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 13. *Effect.* Whereas, an emergency exists in that the title to the present food law is imperfect, and inadequate protection is afforded against the sale of short weight goods, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1907. Laws of 1907, ch. 195, pp. 315-319.

SEC. 48 *Power of board of city commissioners.* The board of city commissioners shall have power:

28. To establish markets and market houses, and to provide for the regulation and the use thereof.

29. To provide for the place and manner of sale of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions, and to regulate the selling thereof.

30. To regulate the sale of bread in the city, and prescribe the weight and quality of the bread in the loaf.

31. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions, and to license and regulate the sale of milk, provide for the inspection of same, and all dairies and premises wherever situated, from which any milk is offered for sale in such city, and to prohibit the sale of impure or diseased milk.

Approved March 20, 1907. Laws of 1907, ch. 45, pp. 54-55.

DAIRY PRODUCTS.

SEC. 1. *Assistant dairy commissioner; salary; duty; appropriation; expenses.* In order to secure the better enforcement of the provisions of this article, and

to promote the improvement of the products of the dairy, the commissioner of agriculture, by and with the advice and consent of the governor, shall appoint one deputy in his department to be known officially as assistant dairy commissioner, which assistant dairy commissioner shall have a practical knowledge of and experience in the manufacture of dairy products. Said assistant dairy commissioner shall hold office during the term of the commissioner of agriculture, subject to removal from office for inefficiency, neglect or violation of duty. The said assistant dairy commissioner shall receive a salary of one thousand five hundred dollars per annum, and his actual and necessary expenses in the discharge of his duties under this act. It shall be the duty of the assistant dairy commissioner to enforce, under the direction of the commissioner of agriculture, all laws that now exist, or that may hereafter be enacted in this state regarding the production, manufacture and sale of dairy products, their imitations and substitutes. It shall be the duty of the assistant dairy commissioner to inspect every creamery, cheese factory or renovating, or "process-butter" factory, at least once each year: to assist the buttermakers, cheesemakers and managers of such factories and patrons of the same in order to improve the quality of the dairy products sold to, or manufactured in said factories; and to co-operate with and instruct the dairymen in testing their dairy herds, both individually and collectively. The sum of two thousand five hundred dollars per annum is hereby appropriated, to which shall be added the amount collected from the sale of licenses, hereinafter provided for in this article, to be paid for such purpose out of any moneys in the treasury, not otherwise appropriated. All charges, accounts and expenses authorized by this article shall be paid by the state treasurer of the state upon the warrant of the state auditor. The entire expenses of the said assistant dairy commissioner shall not exceed the sum appropriated for the purpose of this article.

SEC. 2. *Reports of assistant dairy commissioner.* The annual reports of the commissioner of agriculture shall contain a detailed report of the work and proceedings, together with an account of expenses and disbursements of said assistant dairy commissioner, in regard to the production, manufacture and sale of dairy products, and such suggestions as he may regard of public importance connected therewith.

SEC. 3. *Power of inspectors.* The said assistant dairy commissioner and such persons as shall be duly authorized for the purpose, shall have access, ingress and egress to all places of business, factories, farms, buildings, carriages, cars, vessels and cans used in the sale of any dairy product, or any imitation thereof. They shall also have power and authority to open any package, can or vessel containing such article which may be manufactured, sold or exposed for sale in violation of the provisions of this act, and may inspect the contents therein, and may take samples therefrom for analysis. They shall also have authority to prevent the sale or manufacture into any food product cream that is filthy or putrid, or milk that has been drawn from cows diseased or fed on unwholesome food. All clerks, bookkeepers, express agents, railroad officials, employees or common carriers shall render to them every assistance in their power when so requested, in tracing, finding or discovering the presence of any prohibited article named in this act. The assistant dairy commissioner and such persons as shall be duly authorized for the purpose, shall have free access to any barn or stable where any cow is kept or milked, or to any factory, building, dairy premises or creamery where any dairy products are manufactured, handled or stored when the milk or cream from such cow or product is to be sold or shipped to any creamery or cheese factory in the state, and may enforce such measures as are necessary to secure perfect cleanliness in and around the same, and of any utensils used therein.

SEC. 4. *Hindrance of inspector; penalty.* Whoever shall refuse to allow the inspection herein provided for, or shall in any way hinder or obstruct the proper officers performing their duties hereunder shall be subject on conviction to fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

SEC. 5. *License; cost; disposition of fees.* Every person, firm or corporation owning and operating a creamery, cheese factory or renovating or "process-butter" factory in the state shall on the first day of July of each year, or within thirty days thereafter, be licensed by the assistant dairy commissioner, and shall pay for said license the sum of ten dollars for each and every factory owned and operated by said person, firm or corporation. No license shall be sold or transferred. Each license shall record the name of the owner, firm or corporation, place of business, the location of the factory and the number of the same. All fees for license collected under this act shall be added to the appropriation made for the purpose of carrying out the provisions of this act.

SEC. 6. *Registered trade mark.* Every creamery, cheese factory, combined creamery and cheese factory or renovating or "process-butter" factory shall procure a stencil or brand, bearing a suitable device and words which shall clearly designate the quality of the product manufactured and the number and location of the factory, and it may contain a special or private brand or name of said factory; every brand shall be used on the outside of the cheese, and also upon the package containing the same, but in the case of butter on the package only; and shall on the first day of July, or within thirty days thereafter, of each year, report to the assistant dairy commissioner the name, location and number of each factory using the same brand, and the name or names of the persons at each factory authorized to use the same, together with a copy of each stencil or brand, and the assistant dairy commissioner shall keep a book in which shall be registered the same; provided, that any creamery, cheese factory or renovating or "process-butter" factory shipping its products to a particular or special market may not be required to use said brand as provided for in this act.

SEC. 7. *Report of "process butter" factories.* The said assistant dairy commissioner shall provide blanks which shall be furnished to all proprietors or managers of creameries, cheese factories and renovating or "process-butter" factories, which shall be licensed under the provisions of this act, for the purpose of making a report of the amount of milk and dairy goods handled, and all owners or managers of such creameries, cheese factories and renovating or "process-butter" factories shall send to the assistant dairy commissioner, not later than the last day of each month, a full and accurate report of the amount of business done during the preceding month as designated under the different headings of such printed blanks.

SEC. 8. *Sale of impure or adulterated milk prohibited; care of cows.* If any person shall sell, or expose for sale or exchange, or deliver or bring to another for domestic or potable use, or to be converted into any product of human food, any unclean, impure, unhealthy, adulterated, unwholesome or skimmed milk (except pure skim milk to skim cheese factories), or milk from which has been held back what is commonly known as strippings, or milk taken from an animal having disease, sickness, ulcers, abscess, or running sores, or which has been taken from animals within fifteen days before or five days after parturition; or if any person shall purchase to be converted into any product of human food, any unclean, unhealthy, adulterated or unwholesome milk or cream, or shall manufacture any such milk or cream into any product of human food; or if any person, having cows for the purpose of producing milk and cream for sale, shall stable them in an unhealthy place, or in a crowded

manner, or shall, knowingly, feed them food which produces impure, unwholesome milk, or shall feed them on any substance in a state of putrefaction, or rottenness, or of an unhealthy nature, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 18 of this act.

SEC. 9. *Sale of preserved or watered milk unlawful; impure feed prohibited; standards.* For the purpose of this act, the addition of water or any so-called preservative or anything to whole milk or skimmed milk or partially skimmed milk or cream, is hereby declared an adulteration; and milk or cream which is obtained from animals fed on any substance of an unhealthy nature, is hereby declared impure and unwholesome; and milk which has been proved by any reliable method of test or analysis to contain less than twelve per cent of milk solids to the hundred pounds of milk, or less than three pounds of butter fat to the hundred pounds of milk, shall be regarded as skimmed or partially skimmed milk, and every article not containing fifteen per cent or more of butter fat shall not be regarded as cream.

SEC. 10. *Standard measures.* The state standard milk measure, or pipette, shall have a capacity of seventeen and six-tenths cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity for two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale on the neck thereof. Cream shall be tested by weight, and the standard unit for testing shall be eighteen grams, and the standard test tubes or bottles shall have a capacity for ten cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit, between "zero" and fifty on the graduated scale on the neck thereof, and it is hereby made a misdemeanor to use any other means of determining the amount of butter fat in milk or cream than the Babcock test, or to use any other size of milk measure, weight, test tubes or bottles except those described herein, where milk or cream is purchased or furnished to cheese factories, and the value of said milk or cream is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell a cream or milk pipette, or measure, test tube or bottle which is not correctly marked or graduated as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 18 of this act.

SEC. 11. *Correct reading of tests.* It shall be unlawful for the owner, manager, agent or any employe of any creamery or cheese factory to manipulate, under-read or over-read the Babcock test, or any other contrivance used for determining the quality or value of milk.

SEC. 12. *Purity of butter.* No person by himself or his agents or servants shall render or manufacture, sell, offer for sale for the future delivery of, have in his possession, keep in storage, distribute, deliver, transfer or convey with intent to sell within this state any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be an imitation of yellow butter produced from pure unadulterated milk or cream of the same; *provided*, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such a manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

SEC. 13. *Labeling of imitation butter, etc.* No person by himself or his agents or servants shall sell or expose for sale oleomargarine, butterine or any substance made in imitation or semblance of pure butter, in tubs, firkins or other original packages not distinctly, legibly and durably branded or marked

in a conspicuous place with the word "oleomargarine" or "butterine" or "imitation butter," as the case may be, in letters not less than one inch in length and one-half inch in width, or in retail packages not plainly and conspicuously labeled with said words, "oleomargarine" or "butterine" or "imitation butter," as the case may be.

SEC. 14. *Labeling of process butter.* No person by himself, or his agents or servants, shall manufacture, sell, offer for sale or expose for sale butter that is produced by taking original packing stock or other butter, or both, and melting the same so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk or milk or cream, or other milk product, and re-churning the said mixture; or that is produced by any similar process, and is commonly known as boiled or process butter, unless the tub, firkin or other original package in which the same may be put up, be distinctly, legibly and durably branded, stamped or marked in a conspicuous place with the words "renovated butter," in printed letters not less than one inch in length and one-half inch in width; or be in prints, boxes or rolls not plainly and conspicuously labeled on the wrapper thereof with said words "renovated butter," in printed letters not less than one-half inch in length and one-quarter inch in width.

SEC. 15. *Labeling of skimmed milk cheese.* No person by himself or his agents or servants shall sell or offer for sale any cheese manufactured from skim milk, or from milk that is partially skimmed, without the same being plainly branded, stamped or marked on the side or top of both cheese and package in a durable manner, in the English language, the words "skimmed milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width.

SEC. 16. *Labeling of "filled cheese," etc.* No person by himself or his agents or servants shall sell or offer for sale or make, manufacture out of any oleaginous substance or substances or any compound of the same or any other compound than that produced from unadulterated milk, any article to take the place of cheese produced from pure milk, or any article termed "filled cheese," shall stamp each package of the same on the top and side with lampblack and oil the words "filled cheese," or words that shall designate the exact character and quality of the product, in printed letters at least one inch long and one-half inch wide.

SEC. 17. *Municipal inspection.* The council of any city or incorporated town may by ordinance provide for the inspection of milk and of dairies and dairy herds kept for the production of milk within its limits, and issue licenses for the sale of milk within its limits, and regulate the same, and may authorize and empower the board of health to enforce all laws and ordinances relating to the production and sale of milk and the inspection of dairies and dairy herds producing milk for sale within such city.

SEC. 18. *Penalty.* Whoever violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than fifteen dollars nor more than fifty dollars, and by imprisonment of not less than ten days nor more than ninety days, or both.

SEC. 19. *Repeal.* All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Approved March 13, 1907. Laws of 1907, ch. 90, pp. 116-121.

SUGGESTIONS TO THOSE WHO WOULD COMPLY WITH THE PURE FOOD LAWS.

Retail grocers and all merchants dealing in food products in making contracts for a new supply of goods should specify that the same must comply with the requirements of the Pure Food Law. Some of the conditions of this law are as follows:

1. All foods and beverages must be free from coal tar dyes.
2. They must be free from chemical preservative; formaldehyde, benzoic acid, sulphurous acid, boric acid, salicylic acid, hydrofluoric acid, saccharin, betanaphthol or any salt or antiseptic compound derived from these products.
3. They must be labeled true to name in every respect.
4. Every package, bottle or carton must bear the true net weight. The type used must be same as used for name of producer or for the brand.
5. It must bear the true name of the manufacturers or jobbers.
6. It must show the grade or class of the goods.
7. The use of benzoate of soda one part in 2,000 is permitted in certain classes of perishable goods sold in bulk.
8. If any essential constituent has been removed the substance is adulterated.
9. If any substance has been added so as to deceive or mislead the purchaser the product is adulterated.
10. Mixed or compound substances may be sold when properly labeled.
11. Vinegars must be sold under true names. Cider vinegar must be made wholly from apples.
12. The sheriffs in each county are deputies for guarding against the sale of adulterated food products in each county.
13. The station is authorized to fix standards of purity, quality or strength.
14. Any citizen may have foods analyzed at the experiment station.
15. Twice each year county auditors must publish in the official county paper a list of all adulterated foods found on sale in the state.
16. If adulterated goods are sold no action can be maintained in any court in the state for the purpose of collecting outstanding bills for the same.
17. The court may confiscate goods found to be adulterated.
18. The state's attorney must prosecute all persons violating the law when furnished evidence by this station.
19. Coffees must be pure, free from chicory, unglazed, not polished and not extracted.
20. Extracts must be pure and what they claim to be.
21. Candies must not contain coal tar dyes, sulphites, paraffin, or harmful products.
22. Meats must not be colored or contain preservatives.
23. Sausages must not contain tainted or decomposed meats, must not contain prohibited preservatives, coal tar dyes or starch fillers.
24. The food commissioner, his agents, the sheriff or their deputies shall have free access at all reasonable hours for the inspection of foods.
25. Beverages such as whiskey and brandy must be labeled true to name. All artificial products must be so labeled.
26. Whiskey, brandy, etc., must conform to the requirements of the United States Pharmacopoeia to be classed as legal.

PRESERVATIVES PERMITTED.

Until further notice the use of benzoate of soda in accordance with the terms of the food law (section 2, clause 4 of the provision) is deemed permissible in tomato catsup, in crushed fruits intended for use at the soda fountain, in

natural fruit syrup prepared for soda fountain use, in bulk ciders from natural fruits, in bulk pickles, in bulk apple butter and in bulk fresh mincemeat. Benzoate of soda is also permissible on codfish from May 1st to November 1st, providing its presence is clearly set forth as required, and explicit directions printed for removing all of the preservatives before cooking the fish.

BAKING POWDERS.

All baking powders must be labeled in accordance with the following:

1. It must give the true name of the manufacturer.
2. The label must not contain any advertising or descriptive matter.
3. The directions for use may be given on the label.
4. It must show the true net weight of the can, package or carton.
5. There shall be printed on a light colored label in clear and legible type the following: "This baking powder contains the following constituents and none other." There shall follow in the plainest English words an enumeration of the constituents contained in said baking powder.

The use of sulphites is prohibited in all food products.

*Cream of tartar must be free from alum, phosphate, lime salts or other foreign constituents.

CANDY.

Candy must be free from inert mineral matter, it must contain no terra alba, barytes, talc, chrome yellow or other mineral substance or aniline (coal tar dyes) or other colors or flavors detrimental to health. They should contain no saccharin, sulphites or paraffin.

CANNED GOODS.

Canned goods must be free from all coal tar dyes or other foreign colors, bleaching agents, fillers (as starch or flour in corn) chemical preservatives or saccharin and be preserved by sterilization with heat only. Copper salts, alums, or iron salts are not permissible in peas, beans etc.

Soaked goods.—All products put up from previously dried or partially desiccated products shall be plainly labeled "Soaked" in letters not less than two line pica in size.

COFFEES, COCOAS, ETC.

Coffee must be true to name. It must not be coated or polished to conceal inferiority. It must contain the extractive volatile matter natural to coffee.

Coffee compounds.—Compounds of coffee and chicory, or of coffee and other harmless substitutes allied to it in flavor and strength and not intended simply as an adulterant may be sold when properly labeled "Coffee Compounded." Imitations containing no coffee can not be sold as coffee compounds. They may be sold under coin names not intended to deceive, providing they are so labeled as to show the true ingredients contained therein.

Chocolate, Plain or Bitter, is the solid or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents except the germ or without the addition of foreign constituents.

Sweet chocolate and chocolate coating are plain chocolate mixed with sugar (sucrose), with or without the addition of cocoa butter, spices or other flavoring materials.

Cocoa or powdered cocoa is cocoa nibs, with or without the germs, deprived of a portion of its fat and finely pulverized, but without the addition of foreign matter.

Sweet or sweetened cocoa is cocoa mixed with sugar (sucrose).

CONDIMENTS, SPICES, ETC.

All spices must be pure. The addition of any foreign substance with any spice is an adulteration. The extracting of the active principle of any spice, as extracting or removing the oil from cloves or the active principle of ginger, is an adulteration.

A mixed or imitation product must not be labeled so as to mislead or deceive the purchaser. The word "Compounded" before or after the name of the spice is not a proper labeling for imitation or adulterated product.

Catsup must be made from ripe tomatoes without the addition of a filler, saccharin or foreign color. (For preservatives see page 28.)

Pickles must be true to name, free from saccharin, preservatives, copper salts, alums or iron salts.

EXTRACTS.

Lemon extracts must contain not less than five per cent of the pure oil of lemon dissolved in ethyl alcohol and to be standard should contain the extractive matter from lemon skins and must be free from foreign coloring matter.

Vanilla extracts shall be made wholly from vanilla beans and shall be free from any artificial coloring matter.

All other extracts shall be labeled true to name.

Artificial or synthetic extracts may be sold when labeled "Artificial Extracts," but when the same natural extract is made from the fruit itself an imitation product shall not be sold.

JELLIES, JAMS, PRESERVES, ETC.

These must be free from coal tar dyes, must not be colored and labeled to imitate some other product so as to deceive or mislead the purchaser. They must be free from all prohibited or other injurious preservatives. They must be sweetened with sucrose and made exclusively of the fruit specified in the name.

Glucose, jellies, jams, etc., are made from pure fruit or fruit jellies and made from glucose or other harmless products free from preservatives, coal tar dyes, etc.

Every artificial product made in part or wholly of glucose, dextrine, starch or other substances not injurious to health may be distinctly labeled "Imitation Fruit, Jelly, Jam or Butter," but must not contain the name of any fruit so as to deceive or mislead the purchaser.

Dried fruits should not contain worms and be free from zinc, lead, or bleaching agents, etc.

MEATS, ETC.

Meats of all kinds must be free from the products of decomposition, without coal tar colors or chemical preservatives (such as sulphites, borates, aluminum salts, etc.), and must be true to name.

Smoked meats to be standard and legal must be prepared by the natural process of smoking, that is by the actual subjection of the meat to the influence of smoke from wood.

The use of chemical preparations for treating meat as a substitute, in whole or part for smoking, does not entitle the product to be called "smoked meats."

Sausages are finely divided or hashed meats mixed with spices and flavoring, cooked or uncooked, and free from chemical preservatives, coloring matter or starch.

Starch fillers.—The use of starch, flour, or potato flour as a filler for sausage and other prepared meats is deemed to be an adulteration, and meats found to contain such a filler will be treated as illegal.

SYRUP, MOLASSES, ETC.

Maple syrup or molasses must be the product prepared exclusively from the sap of the maple tree.

Maple sugar or concrete is the product prepared by evaporation to crystallization or the sap of the maple tree without the addition of sugar from other sources.

Glucose syrup or corn syrup is a product of the action of acid on starch and it must be free from acid or sulphites.

Sorghum syrup or molasses is syrup made exclusively by evaporating the juice of the sorghum plant.

Molasses is the product from the juices of the sugar cane and without the addition of glucose.

Each of the above must be free from preservatives.

VINEGARS.

All vinegar must contain at least four per cent of absolute acetic acid carrying in solution, if undistilled, extractives from the fruit, grain, vegetable or syrup used in their preparation. The term "Vinegar" is limited to water solution of acetic acid derived from alcohol by fermentation.

Cider or apple vinegar must be made wholly from the fermented juice of the apple. Artificial or other vinegars fortified with another must not be sold as cider vinegar. The addition of apple pomace or apple jelly to vinegar does not entitle it to be sold as cider vinegar.

Malt vinegars must be made entirely from an infusion of malted grain.

Wine vinegar is the product made by the fermentation of the juice of grapes.

Spirit, distilled or white wine vinegar is the product made by the acetic fermentation of distilled alcohol.

GENERAL RULE.

Whenever the words "Artificial," "Compound," or "Imitation," etc., are permissible and used, these words must be printed immediately preceding or following the word they are intended to modify, in the same size type and equally prominent with the words they modify.

OREGON.

GENERAL FOOD LAWS.

SEC. 1. *Misbranded food—Penalty therefor.* It shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, within this State, any article of food which is misbranded within the meaning of this act; and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for each offense, upon conviction thereof, except as otherwise provided, be fined not less than \$25.00 and not more than \$100.00, or shall be sentenced to not less than thirty days nor more than six months' imprisonment, or both such fine and imprisonment, in the discretion of the court; and for each subsequent offense, and conviction thereof, shall be fined not exceeding \$300.00 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. *What constitutes "misbranded" food.* The term "misbranded" as used herein shall apply to all articles of food or articles which enter into the composition of food, the package or label of which bear any statement, design, or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory, county or country in which it is manufactured or produced.

That for the purpose of this act an article shall be deemed to be misbranded:

First—If it be an imitation, or offered for sale under a distinctive name of another article.

Second—If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, formaldehyde, salicylic acid, boric acid, or any other poisonous acid or substance.

Third—If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package or container in English words. No geographical name shall be used in connection with a food product not manufactured or produced in that place, when such name indicates that the article was manufactured or produced in that place; *provided*, that the use of a geographical name in connection with a food product shall not be deemed a misbranding when by reason of long usage such name has come to represent a generic term, and is used to indicate a style, type or brand, but in all such cases the state, territory or country where any such article was manufactured or produced shall be stated upon the label. The size of the type shall not be smaller than 8-point caps; *provided*, that in case the size of the package will not permit the use of said type the size of the type may be reduced proportionately. A reasonable variation from the stated weight for individual packages is permissible; *provided*, this variation is as often above as below the weight or volume stated. This variation shall be determined by the Oregon

Dairy and Food Commissioner from the changes in the humidity of the atmosphere, from the exposure of the packages to evaporation, or to absorption of water, and the reasonable variations which attend the filling and weighing or measuring of a package.

Fourth—If the package or its label shall bear any statement, design or device regarding the ingredients or substance contained therein, which statement, design or device shall be false or misleading in any particular; *provided*, that an article of food which does not contain any added poisons or deleterious substance shall not be deemed to be adulterated or misbranded in the following cases:

1st. In case of mixtures or compounds which may be now or from time to time be known as articles of food, under their own distinctive name, and not an imitation of or offered for sale under a distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

2nd. In case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; *provided*, that the "blend" as used therein shall be construed to mean a mixture of like substance, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and, *provided further*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome and added ingredients, to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 3. *Tomato catsup containing sodium benzoate.* No person, firm or corporate body shall within this State manufacture for sale, offer for sale, have in possession with intent to sell, or sell, any tomato catsup, containing more than one-tenth of 1 per centum of sodium benzoate, the presence of which said one-tenth of 1 per centum shall in every case be stated on the label of the said tomato catsup in type as large or larger than 8-point; *provided*, that the provisions of this section shall also apply to such other articles of food or drink as the Dairy and Food Commissioner may from time to time determine can not be successfully marketed without the addition of the aforesaid sodium benzoate in the said percentage of one-tenth of 1 per centum.

SEC. 4. *Guaranty exempts dealer.* No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, or manufacturer or other party from whom he purchases such articles, to the effect that the same is not misbranded, within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party shall be amenable to the prosecutions, fines, or other penalties which would attach in due course to the dealer under the provisions of this act. A general guaranty may be filed with the Secretary of State by the manufacturer or dealer and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty, with the words, "Guaranteed Under the Pure Food Act of 1907," which general guaranty shall be accepted in place of individual guaranty.

SEC. 5. *Civil action to recover price of adulterated products.* From and after the passage of this act, in all civil actions to recover the purchase price of any product used for food or drink by man, it shall be competent for the defendant, in every such case, to prove that said product was adulterated or misbranded within the meaning of this act, and proof thereof being made, shall

amount to a good and legal defense to the plaintiff's demand, for the product so adulterated or misbranded.

SEC. 6. *Food commissioner to make rules and regulations.* It shall be the duty of the Oregon State Food and Dairy Commissioner to make uniform rules and regulations for carrying out the provisions of this act, and to enforce the provisions of this act.

SEC. 7. *Chemist to analyze.* It shall be the duty of the Chemist of the State Agricultural College to correctly analyze any and all substances the said commissioner may send him for the purpose of carrying out the provisions of this act.

SEC. 8. *Notice given of result of analysis.* An officer of the State Board of Health, or the Dairy and Food Commissioner, inspector, or other state, city or town officer who obtains a sample of food for analysis, shall, within ten days after obtaining the result of such analysis, send it to the party or parties from whom the sample was taken, or to the person who is responsible for the condition thereof; *provided*, that nothing in this act shall prohibit any person or persons from whom samples are taken for proof and analysis, requiring the State Dairy and Food Commissioner to leave a similar sample with said person or persons duly sealed with the seal of the Food and Dairy Commissioner.

SEC. 9. *Adulterated products; disposal.* It shall be the duty of the Oregon Dairy and Food Commissioner to seize and hold any article of food or drink sold or kept or offered for sale when he has reason to believe that the provisions of this act are being violated, until the true character thereof may be determined in a judicial proceeding, if any person shall have been arrested for having in his possession, for sale, or selling or offering for sale such article; and if no person shall have been arrested, then by chemical analysis or other means to be determined by said commissioner or his deputy; and if any seized article be found to be unwholesome or unfit for food or misbranded under the provisions of this act, said commissioner shall cause the same to be destroyed. If any seized article be found adulterated or prepared or misbranded in violation of this act, not being unwholesome or unfit for food, said commissioner shall brand or mark each package thereof with its character, net weight or net measure, and return the same to the person from whose possession it was taken; in case any seized article be determined to be of a character not contrary to the provisions of this act, the same shall be returned to the possession of the person from whom the same was taken. It shall be unlawful for any person to remove or deface or cancel any brand or label placed upon the article by the Dairy and Food Commissioner under the provisions of this section, or to sell or offer for sale, or have in his possession for sale, any article so marked or labeled without exhibiting such mark or label to the view of the public; otherwise disposition shall be made of the seized property by order of the court.

SEC. 10. *Authority to inspect.* The said commissioner, or his deputies, and such experts and chemists as said commissioner or his deputies shall duly authorize for the purpose, shall have access to, egress and ingress to all places of business, factories, dairies, buildings, carriages, cars, vessels, and implements used in the manufacture, production or sale of any foods or drinks; and they shall also have the power and authority to open any package, case or vessel containing such article which may be manufactured, kept, exposed or offered for sale or sold; and any manufacturer, dealer, hotel or restaurant keeper shall deliver to the commissioner or his deputy any sample of food or drink, for analysis or testing, upon a tender of the price thereof in money.

SEC. 11. *Commissioner to keep record.* It shall be the duty of the commissioner to keep a full and correct record and account of all analyses, investi-

gations and business done by him or his deputies, chemists, or agents, which records shall be subject to public inspection.

SEC. 12. *Repeal.* All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 13. *Effect.* That this act shall be in force and effect from and after the first day of January, 1908.

Filed in office of Secretary of State, February 25, 1907. General Laws 1907, ch. 167, pp. 318-322.

SEC. 60. *Penalty; proviso.* Any person violating any of the provisions of this act, where the punishment is not already provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail for not less than thirty days nor more than six months, or both; *provided, however,* that no dealer shall be prosecuted for a violation of the provisions of this act when he can establish a guaranty signed by a wholesaler, jobber or manufacturer or other party from whom he purchased such articles, to the effect that the same is not adulterated, within the meaning of this act, designating it. Said guaranty, to afford such protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties making the sale of such articles shall be amenable to the prosecution, fines, or other penalties which would attach in due course to the dealer under the provisions of this act. A guaranty may be filed with the Secretary of State by the manufacturer or dealer, and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty, with the words, "Guaranteed Under the Pure Food Act of 1905," which guaranty shall be accepted in place of individual guaranty. Justices' courts shall have concurrent jurisdiction with the circuit court of all cases arising under this act.—*As amended February 25, 1907; General Laws 1907, ch. 214, pp. 373-374. See Bul. 69, Rev., Pt. VI, p. 503.*

Laws of 1905, ch. 209, p. 363.

SEC. 10. *Definition of "person" and "persons."* The term "person" or "persons" used in this act shall be deemed to include partnerships and corporations.

SEC. 11. *Violation of the act a misdemeanor; penalty.* Any person or persons, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$1,000 and the costs of the action, or by imprisonment in the county jail not less than twenty-five days nor more than one year, or by both such fine and imprisonment. All moneys received from fines and penalties under this act shall be disposed of in the same manner as is provided under the general laws pertaining to the fishing industry.

SEC. 12. *Jurisdiction of offenses.* Justices of the peace shall have concurrent jurisdiction with the circuit courts of this State of all offenses mentioned in this act.

SEC. 13. *Effect.* It is hereby adjudged and declared that existing conditions are such that the object sought to be attained would be defeated if delayed until ninety days after the adjournment of the session of the legislative assembly, therefore the provisions of this act are necessary for the immediate preservation of the public peace, health and safety, and an emergency is hereby de-

clared to exist, and this act shall take effect and be in full force and effect from and after its approval by the Governor.

Filed in the office of the Secretary of State, February 19, 1907. General Laws 1907, ch. 55, pp. 100-108.

SEC. 1. *Commissioner to publish monthly bulletin.* It shall be the duty of the State Dairy and Food Commissioner to publish a monthly bulletin containing a report of all analytical and chemical examinations made by him, or under his direction, of foods, food products, or drinks found or offered for sale in the markets of the State, which report shall include the name of the brand examined, name and address of the manufacturer, and shall state whether the same is pure or adulterated, properly branded or misbranded. The necessary expense, if any, shall be paid out of the dairy and food fund.

Filed in office of Secretary of State, February 23, 1907. General Laws 1907, ch. 109, p. 178.

FISH.

SEC. 1. *License.* It shall be unlawful for any person or persons, firm, or corporation to engage in the business of buying, selling, canning, packing, preserving, peddling, or otherwise dealing in salmon fish or sturgeon, or other anadromous fish within the State of Oregon without first having obtained a license therefor from the Fish Warden as hereinafter provided. In all prosecutions under this section it shall be no defense that the person or persons, firm or corporation caught his or their or its own salmon fish or sturgeon or not. All licenses issued under the provisions of this section shall expire on the thirty-first day of March following the issuance thereof.

SEC. 2. *Cost of license.* Any person, firm, or corporation engaged in the business of canning fresh salmon or other anadromous fish or sturgeon in hermetically sealed tins or cans in this State shall pay license fees as follows: Those of the first class, \$100; second class, \$150; third class, \$200; fourth class, \$250; fifth class, \$300; sixth class, \$350; seventh class, \$400; eighth class, \$450; ninth class, \$500; tenth class, \$550; eleventh class, \$600; twelfth class, \$650; thirteenth class, \$700; fourteenth class, \$750; fifteenth class, \$800; sixteenth class, \$850; seventeenth class, \$900; eighteenth class, \$950; nineteenth class, \$1,000; twentieth class, \$1,050; twenty-first class, \$1,100; twenty-second class, \$1,150; twenty-third class, \$1,200; twenty-fourth class, \$1,300; twenty-sixth class, \$1,500. Cannerymen of the first class are those whose pack of fish for the year next preceding the year that the license is applied for did not exceed 5,000 cases, forty-eight pounds to the case. Those of the second class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded 5,000 cases, but did not exceed 7,500 cases, forty-eight pounds to the case. Those of the third class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded 7,500 cases, but did not exceed 10,000 cases, forty-eight pounds to the case. Those of the fourth class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded 10,000 cases, but did not exceed 12,500 cases, forty-eight pounds to the case. Those of the fifth class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded 12,500 cases, but did not exceed 15,000 cases, forty-eight pounds to the case. Those of the sixth class are cannerymen whose pack for the next year preceding the year the license is applied for exceeded 15,000 cases, but did not exceed 17,500 cases, forty-eight pounds to the case. Those of the seventh class are cannerymen whose pack for the year next preceding the year the license is applied for exceeded 17,500 cases, but did not exceed 20,000 cases, forty-eight pounds to the case. Those of the eighth class are cannerymen whose pack for the year next preceding the year the license is applied

for exceeded 20,000 cases, but did not exceed 22,500 cases, forty-eight pounds to the case. Those of the ninth class are canners whose pack for the year next preceding the year the license is applied for exceeded 22,500 cases, but did not exceed 25,000 cases, forty-eight pounds to the case. Those of the tenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 25,000 cases, but did not exceed 27,500 cases, forty-eight pounds to the case. Those of the eleventh class are canners whose pack for the year next preceding the year the license is applied for exceeded 27,500 cases, but did not exceed 30,000 cases, forty-eight pounds to the case. Those of the twelfth class are canners whose pack for the year next preceding the year the license is applied for exceeded 30,000 cases, but did not exceed 32,500 cases, forty-eight pounds to the case. Those of the thirteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 32,500 cases, but did not exceed 35,000 cases, forty-eight pounds to the case. Those of the fourteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 35,000 cases, but did not exceed 37,500 cases, forty-eight pounds to the case. Those of the fifteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 37,500 cases, but did not exceed 40,000 cases, forty-eight pounds to the case. Those of the sixteenth class [are canners] whose pack for the year next preceding the year the license is applied for exceeded 40,000 cases, but did not exceed 42,500 cases, forty-eight pounds to the case. Those of the seventeenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 42,500 cases, but did not exceed 45,000 cases, forty-eight pounds to the case. Those of the eighteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 45,000 cases, but did not exceed 47,500 cases, forty-eight pounds to the case. Those of the nineteenth class are canners whose pack for the year next preceding the year the license is applied for exceeded 47,500 cases, but did not exceed 50,000 cases, forty-eight pounds to the case. Those of the twentieth class are canners whose pack for the year next preceding the year the license is applied for exceeded 50,000 cases, but did not exceed 52,500 cases, forty-eight pounds to the case. Those of the twenty-first class are canners whose pack for the year next preceding the year the license is applied for exceeded 52,500 cases, but did not exceed 55,000 cases, forty-eight pounds to the case. Those of the twenty-second class are canners whose pack for the year next preceding the year the license is applied for exceeded 55,000 cases, but did not exceed 57,500 cases, forty-eight pounds to the case. Those of the twenty-third class are canners whose pack for the year next preceding the year the license is applied for exceeded 57,500 cases, but did not exceed 60,000 cases, forty-eight pounds to the case. Those of the twenty-fourth class are canners whose pack for the year next preceding the year the license is applied for exceeded 60,000 cases, but did not exceed 65,000 cases, forty-eight pounds to the case. Those of the twenty-fifth class are canners whose pack for the year next preceding the year the license is applied for exceeded 65,000 cases, forty-eight pounds to the case. When more than one cannery or plant is operated by the same person, firm, or corporation, each shall be licensed separately and according to its class.

Any person, firm, or corporation, desiring to engage in the business of canning fresh salmon or other anadromous fish or sturgeon in this State shall make an application in writing to the Master Fish Warden for a license therefor, which application shall describe the location of the cannery, as near as practicable, and shall be accompanied by the affidavit of the applicant, stating the number of cases of fish that were packed in such cannery the year next preceding the year the license is to be issued, and shall deposit with said appli-

cation license fee, according to the class in which said cannery shall be listed. No license shall be issued until such affidavit is made and filed and such license fee paid; *provided*, that if any person, firm, or corporation desires to obtain a license for a cannery which has not been operated the year preceding such application, such cannery shall upon application, be classed by the Board of Fish Commissioners, and the license fee to be paid shall be three times the regular fee according to that class: excepting in a case where a cannery remained idle only one season, then in that case the license fee to be paid shall be double the regular fee. All licenses issued under the provisions of this section shall be good only in the district for which the same is issued, and shall expire on the 31st day of March following the issuance of such license.

SEC. 3. *License fee for dealers, etc.* Any person, firm, or corporation, engaged in the business of buying, selling, packing, preserving, or otherwise dealing in salmon or other anadromous fish or sturgeon, other than canning thereof, which is herein provided for, and whether said person, firm, or corporation catches his or their or its own salmon or other anadromous fish or sturgeon or not, shall be and are classified as follows: First class, dealers or packers handling less than three tons of fish per year; second class, dealers or packers handling three to six tons of fish; third class, dealers or packers handling six to ten tons of fish; fourth class, dealers or packers handling ten to fifteen tons of fish; fifth class, dealers or packers handling fifteen to twenty tons of fish; sixth class, dealers or packers handling twenty to twenty-five tons of fish; seventh class, dealers or packers handling twenty-five to thirty tons of fish; eighth class, dealers or packers handling thirty to forty tons of fish; ninth class, dealers or packers handling forty to fifty tons of fish; tenth class, dealers or packers handling fifty to sixty tons of fish; eleventh class, dealers or packers handling sixty to seventy tons of fish; twelfth class, dealers or packers handling seventy to eighty tons of fish; thirteenth class, dealers or packers handling eighty to one hundred tons of fish; fourteenth class, dealers or packers handling one hundred to one hundred and forty tons of fish; fifteenth class, dealers or packers handling one hundred and forty to one hundred and seventy-five tons of fish; sixteenth class, dealers or packers handling one hundred and seventy-five to two hundred and twenty-five tons of fish; seventeenth class, dealers or packers handling two hundred and twenty-five to three hundred tons of fish; eighteenth class, dealers or packers handling three hundred to four hundred tons of fish; nineteenth class, dealers or packers handling four hundred to five hundred tons of fish; twentieth class, dealers or packers handling five hundred to six hundred tons of fish; twenty-first class, dealers or packers handling six hundred to seven hundred tons of fish; twenty-second class, dealers or packers handling seven hundred to eight hundred tons of fish; twenty-third class, dealers or packers handling eight hundred to nine hundred tons of fish; twenty-fourth class, dealers [or packers] handling nine hundred to one thousand tons of fish; twenty-fifth class, dealers or packers handling one thousand to twelve hundred tons of fish; twenty-sixth class, dealers or packers handling twelve hundred to fourteen hundred tons of fish; twenty-seventh class, dealers or packers handling fourteen hundred to sixteen hundred tons of fish; twenty-eighth class, dealers or packers handling sixteen hundred to eighteen hundred tons of fish; twenty-ninth class, dealers or packers handling eighteen hundred to two thousand tons of fish; thirtieth class dealers or packers are those who handle over two thousand tons of fish of the dressed product. Any person, firm, or corporation, desiring to obtain a license for the purpose of engaging in the business of buying, selling, packing, preserving, or otherwise dealing in salmon or other anadromous fish or sturgeon, other than canning thereof, which is herein provided for, and whether

said person, firm, or corporation catches his or their or its own salmon or other anadromous fish or sturgeon or not, shall file with the Master Fish Warden an application therefor describing with convenient certainty the locality at which the applicant purposes to engage in business, and the general character of such business, whether cold storage or otherwise, and shall accompany such application with an affidavit of the applicant stating the total number of tons of salmon and other anadromous fish and sturgeon handled by such applicant the year next preceding the year the applicant desires the license, and shall deposit with said application the license fee as hereinafter provided. Such person or persons, firm, or corporation aforesaid of the first class shall pay a license fee of \$5; of the second class, \$7.50; of the third class, \$10; of the fourth class, \$15; of the fifth class, \$20; of the sixth class, \$25; of the seventh class, \$30; of the eighth class, \$40; of the ninth class, \$50; of the tenth class, \$60; of the eleventh class, \$70; of the twelfth class, \$80; of the thirteenth class, \$100; of the fourteenth class, \$125; of the fifteenth class, \$160; of the sixteenth class, \$200; of the seventeenth class, \$270; of the eighteenth class, \$360; of the nineteenth class, \$450; of the twentieth class, \$540; of the twenty-first class, \$630; of the twenty-second class, \$720; of the twenty-third class, \$810; of the twenty-fourth class, \$900; of the twenty-fifth class, \$1,080; of the twenty-sixth class, \$1,200; of the twenty-seventh class, \$1,350; of the twenty-eighth class, \$1,530; of the twenty-ninth class, \$1,710; of the thirtieth class, \$2,000; *provided*, that any person, firm, or corporation desiring a license that during the year next preceding such application was not engaged in dealing in salmon or other anadromous fish or sturgeon as a packer of the cold storage process, or otherwise, shall, upon application, be classified by the Board of Fish Commissioners, and the license fee to be paid shall be three times the regular fee, according to the class named, excepting in a case where a cold-storage plant remained idle only one season, then and in that case the license to be paid shall be double the regular fee. Persons desiring to engage in the business of retailing salmon or other anadromous fish or sturgeon for home consumption, or peddling such fish from house to house, that had not heretofore engaged in such business, shall be listed of the first class and shall pay a license therefor accordingly, whether such person caught his own salmon or other anadromous fish or sturgeon or not; *provided*, that nothing in this section shall be so construed as to deny to any licensed fisherman, whether the operator of a gill net, set net, weir, or pound net, the right to dispose of one or more salmon for personal or family use to individuals who are not dealers, and who do not make a practice of buying salmon for retail purposes. Where more than one shop or plant is operated by the same person, firm, or corporation, each shall be licensed separately and according to his class. A peddler's license shall be good for one person or wagon and no more. All licenses issued under the provisions of this section shall be good only in the district for which the same is issued, and shall expire on the 31st of March following the issuance of such license.

SEC. 4. *Fish warden authorized to appraise canneries, etc.* The Fish Warden shall keep and preserve a record of all applications for license filed. The fish warden is not bound by statements therein made as to the amount of fish canned, packed, or handled, and for the purpose of ascertaining the true class in which any canner, packer, or dealer in salmon or other anadromous fish or sturgeon, as herein provided, should be listed, such Fish Warden or any of his deputies has full authority and is hereby authorized to inspect the cannery, cold storage plant, packing establishment, and places of business of such parties, and the books of such showing the amount of their pack or the amount handled (but the information derived therefrom shall not be made public), and if in

the opinion of the Fish Warden the facts set forth in the affidavit of the applicant for license are untrue, and the canner, packer, or dealer, as herein provided, is not properly classed, he shall immediately class the same and list the same properly, and cancel the license issued, and demand from such canner, packer, or dealer, as herein specified, a new license fee necessary to bring it within the class it should have been listed in the first instance; but any person, firm, or corporation feeling aggrieved by the decision of the Fish Warden may appeal from the decision of the Fish Warden to the circuit court of the State of Oregon for the county in which his or its business is situated. Such appeal is taken by a written notice of such appeal on the Fish Warden, or his deputy residing in the county and filing same with proof of service endorsed thereon within ten days from receiving notice of such relisting by such Fish Warden, together with a bond with one or more sufficient sureties, to be approved by the clerk of the circuit court, conditioned to pay whatever judgment may be rendered against him on the appeal, in the office of the clerk of the State of Oregon for the county in which said business is located; and the case shall be tried in the said circuit court as a suit in equity, and judgment entered by the court accordingly, and the decision shall be final, and the judgment of the court shall be enforced as other judgments are, and shall have like force and effect. No costs shall be taxed against the Fish Warden in any event. Nothing in this section shall be construed to prevent the Board of Fish Commissioners, the Master Fish Warden, or any of the deputies, from giving in evidence at the trial of such appeal any fact or information derived by them from inspection of the books or papers of any canner, packer, or dealer in fish, or from offering in evidence in any court the affidavit of any person required by this act.

SEC. 5. *Information on license.* Each and every license issued under the provisions of this act shall be numbered and dated by the Fish Warden, and the number of cannery, dealer, pound net, gill net, fish wheel, seine, trap, or other appliance, or business license, and the number of the district where the appliance or business is located, and shall also contain the name of the person or persons to whom such license is granted. All licenses or whatever appliance or business granted under the provisions of this act shall be valid only in the district for which the same is issued, and shall expire and become null and void on the 31st of March following the issuance of such license.

SEC. 6. *Dealers, etc., to make annual reports to fish warden.* It shall be the duty of all persons, firms or corporations who purchase from fishermen or takers or catchers of fish, or who catch their own fish for the purpose of canning, packing, preserving, or selling them, or who can, pack, preserve, retail, or otherwise deal in fish, to report to the Fish Warden on or before the 15th day of December of each year the number of every species of fish, including clams, crabs, crawfish, oysters, etc., stated separately, so purchased or taken by them during the year ending on said 15th day of December, and is purchased by weight, the number of pounds of each species so purchased or taken; and said report shall be accompanied by an affidavit as to the correctness of the same. Any person, firm or corporation who fails, neglects, or refuses to comply with the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 7. *Duties of fish wardens.* The Fish Warden shall keep proper books showing the license issued, to whom issued, and amounts received and all moneys disbursed and paid out for any cause. It shall also be his duty to devote his entire time and attention to the fishing interests and fishing industries of the State; and see that all laws for the protection, preservation and propagation of all salmon and other anadromous fish and sturgeon, and oysters and shell fishes in the waters and streams of this state, and of the Columbia River are enforced.

SEC. 8. *Fish warden's report.* Said Fish Warden shall annually, on December 31st, report to the Board of Fish Commissioners of this State a full account of his actions, also of the operations and results of the law pertaining to fish and shell fish industries, the method of taking fish, the number of young fish hatched and where distributed, amount of expense incurred, and make suggestions as to the needs to further legislation, if any, and full statistics of the fishing and shell fish industries, and amount of all money received and disbursed.

SEC. 9. *Fish warden to enforce this act.* The Fish Warden is hereby authorized to inspect all canneries, cold storage houses, packing establishments, business places, boats, nets, wheels, traps, and other fishing apparatus, and all property used in the catching and packing of fish, for the purpose of enforcing the provisions of this act; and to that end said Fish Warden is authorized to enter into said property and to make inspections thereof.

Filed in the office of the Secretary of State, February 19, 1907. General Laws of 1907, ch. 55, pp. 100-107.

FRUIT.

SEC. 1. *Name of grower to be branded on boxes.* Any person, firm, association or corporation engaged in growing, selling or packing green fruits of any kind within the State of Oregon, shall be required, upon packing any such fruit for market, whether intended for sale within or without the State of Oregon, to stamp, mark or label plainly on the outside of every box or package of green fruit so packed, the name and postoffice address of the person, firm, association, or corporation packing the same; *provided further*, that when the grower of such fruit be other than the packer of the same, the name and postoffice address of such grower shall also prominently appear upon such box or package as the grower of such fruit.

SEC. 2. *False representation.* It shall be unlawful for any dealer, commission merchant, shipper or vender, by means of any false representations whatever, either verbal, printed or written, to represent or pretend that any fruits mentioned in section 1 of this act, were raised, produced or packed by any person or corporation, or in any locality, other than by the person or corporation, or in the locality where the same were in fact raised, produced or packed, as the case may be.

SEC. 3. *Evidence of falsely marked fruit.* If any dealer, commission merchant, shipper, vender or other person, shall have in his possession any of such fruits so falsely marked or labeled contrary to the provisions of section 1 of this act, the possession by such dealer, commission merchant, shipper, vender, or other person, of any such fruits so falsely marked or labeled shall be *prima facie* evidence that such dealer, commission merchant, shipper, vender or other person, has so falsely marked or labeled such fruits.

SEC. 4. *Violation; penalty.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5, nor more than \$500, or by imprisonment in the county jail not less than ten nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

Approved February 7, 1907. General Laws of 1907, ch. 11, p. 22.

4185. *Inspection of orchards, packing houses, etc.; expenses.* It shall be the duty of the several members of the board and of the secretary or the county inspectors under their direction, whenever they shall deem it necessary, to cause an inspection to be made of any orchards, nurseries, trees, plants, vegetables, vines, or any fruit-packing house, storeroom, salesroom, or any other place within their district, and also of any fruit trees or nursery stock shipped from

beyond the limits of this State, and if found infected with any pests, diseases or fungous growth injurious to fruits, plants, trees, vegetables, or vines, or with their eggs or larvæ liable to spread to other places or localities, or of such nature as to be a public danger, they shall notify the owner or owners or persons in charge of or in possession of such articles, things or places, that the same are so infested, or in case such fruit trees or nursery stock, although apparently sound and not infested by any pest, shall have been from an infested district beyond the limits of this State, they shall also so notify the owner or owners or persons in charge of or in possession of the same, and shall require said persons to eradicate or destroy said insects or pests or their eggs or larvæ, or such imported fruit trees or nursery stock of infested districts without the limits of the State, or to treat such contagious diseases within a certain time to be specified in said notice. Said notice may be served upon the person or persons, or any of them, owning, having charge, or having possession of such infested place, article, or thing, by any member of the board or by the secretary thereof, or by any person deputed by said board for that purpose, or they may be served in the same manner as a summons in an action at law. Such notice shall contain directions for the application of some treatment approved by the commissioners for the eradication or destruction of said pests, or the eggs or larvæ thereof, or the treatment of contagious diseases or fungous growths. Any and all such places, orchards, nurseries, trees, plants, shrubs, vegetables, vines, fruit, or articles thus infested are hereby declared to be a public nuisance; and whenever any such nuisance shall exist at any place in the State on the property of any owner or owners upon whom or upon the person in charge or possession of whose property notice has been served as aforesaid, and who shall have failed or refused to abate the same within the time specified in such notice, or in the property of any nonresident or any property not in the possession of any person and the owner or owners of which can not be found by the resident members of the board or the secretary or county inspector after diligent search within the district, it shall be the duty of the board or the member thereof in whose district the nuisance shall exist, or the secretary or county inspector under his or their directions, to cause such nuisance to be at once abated by eradicating or destroying said insects or pests or their eggs or larvæ, or by treating or disinfecting or destroying the infested or diseased articles, or imported fruit trees or nursery stock imported from an infested district without the limits of this State. The expense thereof shall be a county charge and the county court shall allow and pay the same out of the general fund of the county. Any and all sums so paid shall be and become a lien on the property and premises from which said nuisance shall have been removed or abated, in pursuance of this act, and may be recovered by a suit in equity against such property or premises, which suit to foreclose such liens shall be brought in the circuit court of the county where the premises are situate, by the district attorney in the name and for the benefit of the county making such payment or payments. The proceedings in such cases shall be governed by the same rules, as far as may be applicable, as suits to foreclose mechanics' liens, and the property shall be sold under the order of the court and the proceeds applied in like manner. The board is hereby invested with the power to cause such nuisances to be abated in a summary manner.—*As amended February 19, 1907; General Laws 1907, ch. 58, pp. 110-111.*

Bellinger and Cotton's Annotated Codes and Statutes 1902, vol. 2.

TOMATO CATSUP.

See General Food Laws, page 40.

PENNSYLVANIA.

GENERAL FOOD LAWS.

SEC. 1. *Adulteration and misbranding.* It shall be unlawful for any person, within this State, to manufacture, sell, offer for sale, or have in possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this act.

SEC. 2. *Enforcement of this act; penalty for violation.* The Dairy and Food Commissioner of the State shall be charged with the enforcement of the provisions of this act, and for the purposes of its enforcement shall be empowered to employ such assistants, agents, chemists, attorneys, clerks, and experts as he may deem necessary. The examinations of the articles purchased or procured shall be made by the chemists appointed by the said Dairy and Food Commissioner, for the purpose of determining, from such examinations, whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear, from any such examination, that any of such samples is adulterated or misbranded within the meaning of this act, the Dairy and Food Commissioner shall cause notice thereof to be given to the person from whom such sample was obtained, and, in case such person shall produce a guarantee in writing, then notice shall be given to the guarantor. If it appear that any of the provisions of this act have been violated by such person, then the Dairy and Food Commissioner shall begin an action against the said person for the enforcement of the penalty or penalties prescribed by this act.

SEC. 3. *Rules and regulations.* The Dairy and Food Commissioner shall make uniform rules and regulations, under and subject to which the provisions of this act shall be enforced, and such rules and regulations shall, where practicable, conform to and be the same as the rules and regulations adopted, from time to time, for the enforcement of the act of Congress, approved June thirtieth, one thousand nine hundred and six, and known as "The Food and Drugs Act." Such rules and regulations to be published from time to time in bulletins to be issued by the Department.

SEC. 4. *"Food" and "person" defined.* The term "food," as used herein, shall include all articles used for food, confectionery, or condiment by man, whether simple, mixed, or compound, and all substances or ingredients intended for use in food, confectionery, or condiments, as above defined, except as hereinafter excepted.

The term "person," as used in this act, shall include individuals, firms, copartnerships, unincorporated associations, and bodies corporate, as well as all officers, agents, employes, or others acting for any of the same, and shall be taken as applying in the singular or plural, as the case may require.

SEC. 5. *Definition of adulteration.* That for the purpose of this act, an article shall be deemed to be adulterated—

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower, or injuriously affect, its quality or strength.

Second. If any substance has been substituted, wholly or in part, for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided, however,* That no action shall be brought or sustained for violation of the provisions of this section when the article alleged to be adulterated is not adulterated within the meaning of the provisions of the "Food and Drugs Act" of June thirtieth, one thousand nine hundred and six, enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, and the rules and regulations promulgated, from time to time, for the enforcement of the same: *And provided, further,* That when, in the preparation of food products for shipment, they are preserved by any external application, applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal, fish, or vegetable substance, or any portion of an animal or fish, unfit for food, whether manufactured or not; or if it be the product of a diseased animal or fish, or an animal that has died otherwise than by slaughter.

In the case of confectionery:

First. If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance, or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor, or compound or narcotic drug: *Provided* That this paragraph shall not be construed to prohibit the use of harmless colors, of any kind, when used for coloring and not for fraudulent purposes.

SEC. 6. *Misbranded defined.* The term "misbranded," as used herein, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as to the State, territory, or country in which it is manufactured or produced.

For the purpose of this act, an article shall also be deemed to be misbranded—

In the case of food:

First. If it be an imitation of, or offered for sale under the distinctive name of, another article.

Second. If it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it, or its label, shall bear any statement, design, or device, regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:—

First. In the case of mixtures or compounds which may be now, or from time to time hereafter, known as articles of food, under their own distinctive names, and not an imitation of, or offered for sale under, the distinctive name of another article, if the same be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary goods, which contain no unwholesome added ingredients, to disclose their trade formulae, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 7. *Disposal of samples; expenses; time of action for violation.* Whenever the Dairy and Food Commissioner or his agents shall obtain an article for the purpose of determining whether or not the same is adulterated or misbranded within the meaning of this act, two like samples shall be obtained where the article is in the original package, or, if not in the original package, then two portions shall be obtained and each of the portions sealed. One of the said samples shall be delivered to the Dairy and Food Commissioner and by him preserved in the condition in which it was obtained, and under the seal placed thereon by the agent procuring the same, and shall remain in the custody and possession of the Dairy and Food Commissioner until such time as it shall be determined whether or not any action shall be brought against the person from whom the article was obtained, for violation of the provisions of this act. If an action shall be brought against the party from whom the article was obtained, for violation of the provisions of this act, it shall be lawful for the person from whom the said sample was obtained to make application to the magistrate or court, in which the said action is pending, for an order requiring the delivery of the portion of said sample in the custody of the Dairy and Food Commissioner to a chemist, to be designated by said magistrate or court, for the purpose of analysis; and at the time the analysis is being made by the chemist, so appointed, the person from whom the sample was obtained shall have the privilege of having present a second chemist: *Provided, however*, That this section relating to the purchase of duplicate samples for analysis shall not apply to perishable articles, such as milk, cream, or ice cream: said samples shall be delivered to the chemist in the same condition as when obtained.

All expenses incurred in the analysis of samples made by the chemist, so designated or appointed, shall be assessed by the magistrate or court, and paid by the party requesting the same, as part of the costs of said action.

No action shall be instituted against any person for violation of the provisions of this act, unless the same shall have been commenced within four months from the date of the taking of the sample, nor until all the provisions of this act shall have been complied with.

SEC. 8. *Guaranty exempts dealer; information on guaranty; action against guarantor; punitive damages; foreign guaranty; proviso.* No prosecution shall

be sustained under the provisions of this act, for the selling or offering for sale, or having in possession with intent to sell, any article or goods, as defined herein, when the same is found to be adulterated or misbranded within the meaning of this act, when the accused can establish a guaranty, signed by the person residing in the United States from whom such article was purchased, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it, or within the meaning of the "Food and Drugs Act," June thirtieth, one thousand nine hundred and six, enacted by the Senate and House of Representatives of the United States of America, in Congress assembled: *Provided, however,* That if the article in question is in a broken or open package, said guaranty shall not afford immunity from prosecution, unless such person shall furnish satisfactory proof that the article has not been changed in quality. The affidavit of such person shall be accepted as such proof, and the person making such affidavit falsely shall be guilty of perjury, and punished accordingly: *And provided, moreover,* That every person giving a guaranty under the provisions of this act shall be held responsible for the adulteration or misbranding of any article or goods sold under said guaranty, and shall be subject to the penalties for the violation of the provisions of this act.

Said guaranty to afford protection shall contain the name and address of the person making the sale of such articles to such dealer, and, in such case, the said person shall be amenable to the prosecution, fines, and other penalties which would attach, in due course, to the dealer, under the provisions of this act, when said articles are found to be adulterated or misbranded: *Provided,* That no such guaranty shall operate as a defense to prosecution for the violation of this act, if the dealer shall continue to sell after written notice by the Dairy and Food Commissioner that such article is adulterated or misbranded within the meaning of this act.

Any person who shall have been adjudged to have violated any of the provisions of this act, by reason of the purchase or sale of an article adulterated or misbranded within the meaning of this act, and who shall have purchased the article, so found to be adulterated or misbranded within the meaning of this act, under a guaranty from the vendor thereof, to the effect that the same is not adulterated or misbranded within the meaning of this act, or the act of Congress passed June thirty, nineteen hundred and six, shall have a right of action against the guarantor for the recovery of such damages as shall have been sustained by reason of such adulteration or misbranding; and such person shall, in addition thereto, be entitled to recover punitive damages; and such person shall further have the right to set off any sum or sums of money which shall have been incurred and paid in the defense of any action, which shall have been instituted against said person for the violation of any of the provisions of this act, against any claim or right of action which the guarantor may have, arising out of the sale of the article or articles in question, or otherwise, and which shall include all expenses and reasonable attorney's fees.

When the examination or analysis, herein provided for, shows that any of the provisions of this act have been violated, and the person relieved from prosecution under this section, by the production of a guaranty signed by such person residing outside of this State, then the Dairy and Food Commissioner shall report such fact to the Secretary of Agriculture of the United States, or the proper officers appointed for the enforcement of the act of Congress approved June thirtieth, one thousand nine hundred and six, known as "The Food and Drugs Act."

SEC. 9. *Penalty; appeal.* Any person who shall violate any of the foregoing provisions of this act shall, for each offense, forfeit and pay the sum of sixty dollars, together with the costs of suit; to be recovered as debts are by law recovered, in an action to be instituted, in the name of the Commonwealth, before any alderman, magistrate, or justice of the peace, in the county wherein the offense shall have been committed; and no appeal shall be allowed from any judgment rendered in such case, except upon special allowance of the court of common pleas; subject to all the rules and regulations applicable to appeals from actions in summary convictions.

SEC. 10. *Disposition of fines and penalties.* All fines and penalties imposed and recovered for violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and, when so collected and paid, shall thereafter be paid into the State Treasury, on or before the tenth day of the next succeeding month in which the same shall have been collected and paid.

SEC. 11. *Repeal.* The following act of Assembly, namely, an act entitled "An act to provide against the adulteration of food, and providing for the enforcement thereof," approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred and seventeen); all other acts and parts of acts pertaining to the said matter, covered by this act, be and the same are hereby repealed: *Provided*, nevertheless, That this act shall not apply to, nor in any way affect, any acts of Assembly heretofore passed regulating the manufacture, sale, and dealing in milk, cream, butter, oleomargarine, butterine, and all other substitutes for butter, oleaginous or dairy products; also acts relating to fresh meats, poultry, game, fish, cider, vinegar, and fruit syrups,—all of which acts shall remain in full force, and be enforced by the Dairy and Food Commissioner, as fully in all respects as if this act had not been passed: *And provided*, further, That the repeal of the acts hereinbefore specifically repealed shall not prevent the prosecution to final judgment and execution of any action now pending for violation thereof, nor to the commencement and prosecution to final judgment and execution of any action for any violation of any of said acts heretofore committed.

Approved June 1, 1907. Laws of 1907, No. 282, pp. 386-392.

CONFECTIONERY.

See General Food Laws, page 51.

DAIRY PRODUCTS.

SEC. 1. *Milk and cream measures.* On and after the first day of July, one thousand nine hundred and seven, it shall be unlawful for any person, firm, or corporation to sell or offer for sale, or demand from any person offering for sale, either wholesale or retail, within the State of Pennsylvania, any milk, skim-milk, and cream according to any other standard of measurement than that known as the liquid, or wine, measure, containing two hundred and thirty-one cubic inches to the gallon: *Provided*, That nothing in this act will prevent the sale of milk, skim-milk, and cream by weight or percentage of butter-fat.

SEC. 2. *Penalty for incorrect measure.* Every person, firm, or corporation, and every officer, agent, servant, or employe of such person, firm, or corporation, who shall violate any of the provisions of this act; or any person, firm, or corporation, and every officer, agent, servant, or employe of such person, firm or corporation, demanding, offering, and receiving a greater measure than that

specified in the first section of this act, shall be deemed guilty of a misdemeanor, and, upon the conviction thereof in the court of quarter sessions of the proper county, shall be sentenced to pay a fine of not less than twenty-five dollars and not more than one hundred dollars, with costs of prosecution, or undergo imprisonment not exceeding thirty days, or both, at the discretion of the court.

SEC. 3. *Repeal.* All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 15, 1907. Laws of 1907, No. 56, p. 63.

SEC. 1. *Cans to be clean.* All cans or other vessels, used in the shipment of milk or cream on railroads, shall be thoroughly cleansed of the refuse of milk or cream, and other foreign matter, in, or adhering to the inside of, such can or other vessel, before shipment, and reshipment of same back to the original shipper thereof.

SEC. 2. *Penalty for neglect of Sec. 1; disposal of fines.* Any person or persons who shall fail or neglect to cleanse the cans or other vessels as provided for in section one of this act shall be liable to a penalty, not exceeding fifty dollars, for each and every violation of this act, to be recovered in the name of the Commonwealth, as debts of equal amount are by law recoverable, by any person or persons who may sue for the same. All moieties or fines shall be paid into the county treasury of the respective counties of the Commonwealth where suit is brought; be paid to the treasurer of the county where such suit shall have been brought.

SEC. 3. *Default of payment of fine.* In default of the payment of the penalty, recovered as provided for in section two of this act, the person or persons against whom such penalty is recovered shall be committed to the jail of the proper county, for as many days as the penalty recovered is in dollars.

Approved May 25, 1907. Laws of 1907, No. 186, pp. 233-234.

MEAT.

SEC. 1. *Live stock sanitary board to protect consumer; inspection laws of the U. S.* The State Livestock Sanitary Board is hereby authorized to organize and to administer, in accordance with the provisions of this act, a service for the purpose of protecting the consumers of meats from injury by diseased, contaminated, putrid, or otherwise unsound, unhealthful, or unwholesome meats or meat food products, unfit for human consumption. The State Livestock Sanitary Board shall formulate and promulgate rules and regulations for the disposal of the carcasses of diseased animals. So far as they are applicable and are approved, the meat inspection regulations of the United States Department of Agriculture may be adopted and promulgated by the State Livestock Sanitary Board.

SEC. 2. *Sale of unsound animals and meats unlawful; definition of "meat," etc.* No person, firm, or corporation, or any officer or agent of such person, firm or corporation, shall sell, offer for sale, expose with intent to sell, or prepare for use as human food, any meat or meat product from an animal that is in such condition that its flesh is unsound, unhealthful, unwholesome, or otherwise unfit for human food. Nor shall any unsound, unhealthful, or unwholesome meat or meat product be sold, or offered for sale, or exposed with intent to sell, for use as human food, or to be manufactured or prepared for use as human food.

The terms meats and meat food products, wherever used in this act, shall include and apply to all carcasses, or parts of carcasses, of cattle, sheep, swine, and goats, and the meat or meat food products thereof.

SEC. 3. *Abattoirs, etc., to be kept sanitary.* The owners, lessees, occupiers, or managers of all abattoirs, slaughtering, packing, butchering, meat-canning, meat manufacturing or rendering establishments, and of places or vehicles where meat is prepared, stored, sold, or transported, shall keep such establishments, places, and vehicles in a wholesome, clean and sanitary condition.

SEC. 4. *Meat inspectors.* The Governor is hereby authorized and empowered to appoint ten persons to serve as agents to assist in the enforcement of the provisions of this act. Such agents shall have knowledge of the diseases of meat producing animals, and shall be versed in the conditions that affect the soundness, healthfulness, and wholesomeness of animal food products. An appropriate standard of fitness for appointees to these offices shall be established and maintained by the State Livestock Sanitary Board.

SEC. 5. *Salary of meat inspectors.* Agents of the State Livestock Sanitary Board, as provided for in section four of this act, shall receive a salary of one thousand eight hundred dollars per year, and their actual necessary traveling expenses while engaged in the proper duties of their office: *Provided*, however, That such expenses shall not exceed one hundred dollars per month.

SEC. 6. *Right of access for inspection.* It shall be the duty of agents of the State Livestock Sanitary Board, as provided in this act, to perform such services prescribed by this act as may be imposed by authority of the State Livestock Sanitary Board. Such agents are authorized, without let or hindrance, to enter upon any premises, or to enter any place, building, vehicle, or vessel, used for the storage, preparation, or transportation of animals or their products, and to examine, in any way that may be necessary, any animals, meats, or meat food product there found, for the purpose of determining whether such animals, meats, or meat food products are, or may be made into, sound, wholesome, and healthful human food. Animals, carcasses, or parts thereof, that are unsound, unhealthful, unwholesome, or otherwise unfit for human food, shall be rejected or condemned, and said animals, carcasses, or parts or products thereof, shall be treated and disposed of in such a way that they cannot be used as human food, as shall be provided by the rules of the State Livestock Sanitary Board.

SEC. 7. *Inspection of abattoirs, etc.; action against violation.* It shall be the duty of the agents of the State Livestock Sanitary Board, as provided by this act, to make examinations of slaughtering, packing, meat-canning, rendering, or similar establishments, and of places where meats or meat food products are manufactured, prepared, stored, or sold, for the purpose of ascertaining whether the said establishments or places are constructed, arranged, equipped, managed, or cared for in such a way as injuriously to affect the soundness, healthfulness, or wholesomeness, or otherwise to render unfit for human food, the meats or meat food products therein prepared, stored, or sold. In case the establishment, or the manner in which it is arranged, equipped, managed, or cared for, shall be found to be defective in such particulars as to make it probable that, by virtue of such defect or defects, the meats or meat food products may be rendered unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be the duty of the agent of the State Livestock Sanitary Board to notify the owner, occupier, or manager thereof as to the nature of the particular defects found, and report the same to the State Livestock Sanitary Board. The said Board shall thereupon send to the owner, occupier, or manager of the defective establishment or place a notice, in writing, in which the defect or defects shall be described; and the owner, occupier, or manager shall thereupon, within reasonable time, remedy, remove, or abolish the said defects. In the case that a defect in

respect to the construction, arrangement, equipment, management, or care of a slaughtering, packing, meat-canning, rendering, or similar establishment, or of a place where meat or meat food products are manufactured, prepared, stored, or sold, deemed by the State Livestock Sanitary Board to be of such a nature as to render it probable that the meat or meat food products therein prepared, stored, or sold may, by virtue of said defect, be rendered unsound, unhealthful, or unwholesome, or otherwise unfit for human food, is not removed or abolished within reasonable time, to be designated by the State Livestock Sanitary Board, after notice from the said Board, the said establishment or place may be closed; and the owner, occupier, or manager thereof, and all other persons, are forbidden to use the said establishment or place for the preparation, storage, or sale of meats or meat food products until the said defect is remedied, removed, or abolished in a way that is approved by an authorized agent of the State Livestock Sanitary Board.

SEC. 8. *Municipal inspectors.* All cities and boroughs, and all townships of the first class, are authorized and empowered to provide for the appointment of local meat-inspectors, as may be required, and to fix their compensation, which shall be paid from the funds of the city, borough, or township of the first class. The qualifications of such local meat-inspectors shall be certified by the State Livestock Sanitary Board, and they shall have the same authority and duties as are, by this act, conferred on agents of the State Livestock Sanitary Board, and shall be subject to the same rules and regulations. Such certificates of qualification may be withdrawn or revoked at any time by the State Livestock Sanitary Board, for incompetency or neglect of duty. Local meat-inspectors shall have jurisdiction only within the limits of the city or borough, or township of the first class, by and for which they are appointed. Such local meat-inspectors shall not be governed by ordinances, rules, or regulations that are incompatible with, or that conflict with, provisions of this act, or with the rules or regulations for the guidance of its agents, approved and promulgated by the State Livestock Sanitary Board.

SEC. 9. *Local agents; disposal of unsound meats; expenses; proviso.* The State Livestock Sanitary Board may, under such rules and regulations as it may adopt, not incompatible with the acts of Assembly or the Constitution of the Commonwealth, appoint local agents to examine the animals, carcasses, meats, and meat food products, used, prepared, or stored in local slaughtering, packing, canning, rendering, or similar establishments, and to affix an approved stamp or mark to the meats and meat food products that are found to be sound, healthful, wholesome, and fit for human food. The meats and meat food products that are found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, shall be rejected or condemned, and disposed of so that they can not be used for human food, in the manner provided by the rules and regulations of the State Livestock Sanitary Board. Such agents shall report to, and they may be transferred or dismissed by, the State Livestock Sanitary Board. They shall be subject to the provisions of this act, and to the regulations governing and for the guidance of agents of the State Livestock Sanitary Board.

The funds for the compensation of such local agents as are provided for in this section of this act shall be furnished by the owner or manager of the establishment that such agent is appointed to oversee, and upon whose request this form of inspection is established. The funds for the payment of such local agents shall be deposited by the owner or manager of such establishment, to his own credit, in some bank or trust company to be designated by the State Livestock Sanitary Board; and shall be paid out upon the cheque of such owner or manager, payable to the order of the local agent entitled to compensation,

after the bill of such local agent for services has been approved by authority of the State Livestock Sanitary Board, and the cheque, so drawn for said compensation, has been approved by authority of said Board: *Provided*, That such agents as are provided for by this section of this act shall be appointed only upon request of the persons or firms who agree to meet such expense. Employes of the United States Department of Agriculture, engaged in the inspection of animals, meats, and meat food products, may be appointed agents of the State Livestock Sanitary Board, and be clothed with the powers of such agents: *Provided, however*, That such employes of the United States Department of Agriculture shall receive no pay or compensation for such service as agents of the State Livestock Sanitary Board.

SEC. 10. *Scientific cooperation.* The State Livestock Sanitary Board shall make arrangements for cooperation between the laboratory of the Board and those engaged in the examination and inspection of meat producing animals and meats, so that unusual or difficult diseases and conditions may be scientifically studied and accurately diagnosed for the benefit of the meat inspection service.

SEC. 11. *Board to make regulations compatible with U. S. standards; proviso.* The State Livestock Sanitary Board may, from time to time, make such regulations for the enforcement of this act as may be necessary to carry its provisions into force and effect, and, so far as is compatible with the purposes of this act, the plans, regulations, and methods of the meat-inspection service of the United States Department of Agriculture shall constitute the standard to be adopted and followed. And the meat-inspection work of the United States Department of Agriculture shall not be repeated or duplicated by the agents of the State Livestock Sanitary Board, nor by local meat-inspectors: *Provided*, That the provisions of this act shall not apply to animals slaughtered by any farmer on the farm, and sold or transported to market as meat or meat food products; nor to retail butchers and retail dealers in meat or meat food products, supplying their customers. But this proviso shall not prevent agents of the State Livestock Sanitary Board or local meat-inspectors from inspecting such premises, animals, meats, or meat food products, at any time. And if such person shall sell, or offer for sale or transportation, any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, or shall keep his establishment, salesplace, or vehicle in unsanitary condition, after official notice being served, he shall be guilty of a misdemeanor.

SEC. 12. *Use of certificates and stamps, etc.* No person shall make, duplicate, reproduce, forge, or counterfeit any stamp, certificate, mark, or emblem used or authorized to be used by the State Livestock Sanitary Board for marking or designating animals, carcasses, meats, or meat food products that have been approved or condemned; and no such stamp, certificate, mark, or emblem, used or authorized to be used by the State Livestock Sanitary Board, shall be used or employed without specific authority so to do from the State Livestock Sanitary Board.

SEC. 13. *Penalty for faulty inspection, bribing inspector, or violation of act.* Any agent of the State Livestock Sanitary Board, or any local meat inspector appointed by authority of the said Board, or any local meat inspector appointed by any city, borough, or township of the first class, who shall pass or approve any meat or meat food product that is unsound, unhealthful, unwholesome, or otherwise unfit for human food, or who shall fail to perform his duties as prescribed by this act, or who shall accept any money, gift or other thing of value from any person, firm, or corporation, or officers, agents or employes thereof, given with intent to influence his official action, shall be deemed guilty of a mis-

demeanor, and shall, upon conviction thereof, be summarily discharged from office, and shall be punished by a fine of not more than five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Any person, firm, or corporation, or any agent or employe of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any agent, officer, or inspector authorized to perform any of the duties prescribed by this act, or by the rules and regulations of the State Livestock Sanitary Board, any money or other thing of value, with intent to influence said agent, officer, or inspector in the discharge of any duty herein provided for, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

If any person shall sell or offer for sale, or offer for transportation to market, any meat or meat food product which is diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat or meat food product is intended for human consumption, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment.

Any person, firm, or corporation, or any officer or agent of such firm or corporation, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 14. *Disposal of fines.* All fines and penalties arising from violations of any of the provisions of this act shall be paid to the State Livestock Sanitary Board, and shall be immediately paid by said Board to the State Treasurer, for the use of the Commonwealth.

Approved May 25, 1907. Laws of 1907, No. 187, pp. 234-240.

SEC. 1. *License for premises, etc., of meat dealers, etc.* No place, building, or part of any building, or any wagon, in cities of the first class in this Commonwealth, shall be used for the slaughter of animals or poultry, or for the storage, or preparation or exposure for sale of meats, fish, game, or shell-fish, without first obtaining a license from the Bureau of Health.

SEC. 2. *License granted by Bureau of Health; proviso.* A license permitting the use of premises, buildings, or parts of buildings, or wagons, for the slaughtering of animals and poultry, and dressing the same, or for the storage, sale, or preparation for sale, of meats, poultry, fish, game, or shell-fish, may be granted to any person, firm, or body corporate, in cities of the first class, by the Bureau of Health, upon application for such license: *Provided*, That the premises, buildings, or parts of buildings, or wagons, to be used for the purposes specified, conform to the regulations established by the Board of Health: *Further provided*, That a separate license shall be issued for each place used for the purpose herein specified.

SEC. 3. *The Board of Health to enact rules.* The Board of Health, in cities of the first class, is hereby empowered to enact rules and regulations governing the conditions under which animals or poultry may be slaughtered and dressed, or meats, poultry, fish, game, and shell-fish may be prepared for use as food, or stored, or exposed for sale. Such rules and regulations shall provide for the proper sanitary equipment of the buildings, or parts of buildings, or premises so used, and also for the cleanly and sanitary maintenance and conduct of such establishments, or wagons used.

SEC. 4. *Validity of license; duty of licensee; fee.* Licenses, when issued, shall be valid for not more than one year; shall not be transferable, either as to the person or place; and may be revoked at any time by the Board of Health, for failure to comply with the rules and regulations established by the Board of Health.

It shall be the duty of every licensee to post and keep posted a printed copy of this act, and of the license granted under it, in the place for which the license is granted; and where the said license is granted for the use of any building, or part of building, said posting shall be in the principal and most public room of said building, or part of building. A fee of one dollar (\$1.00) shall be paid to the Bureau of Health for said license.

SEC. 5. *Penalty for violation of act.* Any person who violates any of the provisions of this act, or refuses to comply with any of the requirements or regulations of the Board of Health, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

SEC. 6. *Repeal.* All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 26, 1907. Laws of 1907, No. 101, pp. 123-124.

RULES AND REGULATIONS.

FOODS AND CONDIMENTS.

RULE 1. *Dyes and coloring matter.* The use of coal-tar dye or other foreign coloring matter in catsup or other condiments is regarded with disfavor, and catsup found to contain such coloring matter in connection with benzoate of soda will be regarded as adulterated and treated accordingly.

RULE 2. *Preservatives.* The use of boric acid, salicylic acid or sulphites in meats or other articles of food, will be regarded as an adulteration and treated accordingly. Any poisonous or deleterious preservative or coloring matter applied externally which has been permitted to permeate or penetrate the meat or other food product, or any portion thereof, will be regarded as an adulteration.

RULE 3. *Imports.* Until otherwise ordered, articles of food imported from foreign countries which have been found to be in compliance with the Federal food and drug act of June 30, 1906, will not be regarded as sold in violation of the laws of Pennsylvania.

RULE 4. *Spices.* Pepper and all other spices containing any added or foreign substances whatever, will be regarded as adulterated.

RULE 5. *Milk, cream, and ice cream.* Milk will be regarded as adulterated when any portion of the butter-fat has been removed therefrom, or when water has been added thereto.

Cream containing less than 16 per cent. of butter fat will be regarded as adulterated.

Ice cream must be true to name and must not contain less than 12 per cent. butter-fat, together with sugar and pure fruit flavor. Eggs and a small amount of gelatin may be used.

CONFECTIONERY.

RULE 6. *Mineral substances; colors; flavors; definition of "narcotic" drugs.* Mineral substances of all kinds are especially forbidden in confectionery, whether poisonous or not. Only harmless colors or flavors should be added to confectionery.

The term "narcotic drugs" includes all drugs mentioned in Section 8 of the Federal food and drugs act of June 30, 1906, relating to foods, their derivatives and preparation, and all other drugs of a narcotic nature.

MISBRANDING.

RULE 7. Labels. The provisions of the Act of June 1, 1907, as to the misbranding of food, will be strictly observed and rigidly enforced.

The principal label on articles of food shall be in English, with type not smaller than 8-point (brevier) caps; Provided, That in case the size of the package will not permit the use of 8-point cap type, the size of all the type may be reduced proportionately.

Descriptive matter upon the label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular.

Jellies, etc. Jellies, fruit butters, fruit jams or other like products shall not be labeled with the name of any distinctive fruit, unless such fruit alone has been used in its preparation. Articles intended as substitutes for pure fruit jellies, butters, jams and other like products, shall be plainly marked as compounds, and the several ingredients shall be plainly stated thereon, and the name of no distinctive fruit shall be used upon the label thereof to indicate its flavor.

Mustard. Prepared mustard shall bear upon the label thereof a distinct statement of all of the ingredients and the percentage of mustard contained therein.

Flavoring extracts. Flavoring extracts must be true to name. Imitation flavoring extracts shall not be designated by terms which indicate in any way by similarity of name that they were prepared from a natural fruit or from a standard flavor.

Flavoring extracts in the preparation of which any substances are employed for natural fruits or standard flavors shall not be labeled as if prepared from standard flavors or from the fruits themselves.

GUARANTEE.

Form of guarantee. The guarantee referred to in the new Pennsylvania food law, approved June 1, 1907, should in all cases be a written or printed invoice guarantee upon each bill of goods purchased, signed by the vendor, and substantially in the following language, to wit:

I (or we) the vendor of the articles mentioned in the foregoing invoice hereby guarantee and warrant the same to be in full conformity with the Federal Act of June 30, 1906, popularly known as the "Food and Drugs Act," and also further hereby guarantee and warrant the same to be in full conformity with the Act of the General Assembly of Pennsylvania, popularly known as "the new Pennsylvania Food Law," approved June 1, 1907, in that the said articles are not adulterated within the meaning of the aforesaid Act of Congress or the aforesaid Act of the General Assembly of Pennsylvania, and that the said articles are not misbranded within the meaning of either of the said acts.

RULE 8. Lard must contain no ingredient but the pure fat of swine. Any foreign substance will constitute an adulteration and will be treated accordingly.

RULE 9. Fruit or nut ice cream must be true to name and must not contain less than 10% butter fat, together with sugar, eggs, and a small amount of gelatin, not exceeding three (3) ounces to ten gallons of cream.

The foregoing rule applies where fruit (fresh or canned) or nuts are used for flavoring.

RULE 10. *Meats and fish* must at all times be kept in a pure, clean and healthful condition.

In the Summer season they must be covered or protected from flies and insects by screens or other device and must be kept at such temperature as will absolutely prevent any decomposition.

Refrigerators and ice boxes for the storage of meats and fish must be kept well iced and clean.

Stores, market houses and all rooms used for the storage or sale of meats and fish must be clean, properly ventilated and kept in a sanitary condition.

Any meat or fish not so cared for will be considered in violation and treated accordingly.

RULE 11. *Evaporated fruit*. It should be understood by the trade and the public that Rule 2, specifically referring to meat and other articles of food, covers evaporated fruits, and that if said fruits contain any added substance or ingredient which is poisonous or injurious to health, such as sulphurous acid, the sale thereof will be treated as a violation of the law.

RULE 12. *Labels*. Numerous requests are referred to this Division for the approval of labels to be used in connection with food products under the Pennsylvania Pure Food Act of June 1st, 1907. This Act does not authorize the Dairy and Food Commissioner, nor any Agent of the Division, to approve labels. The Division, therefore, will not give its approval to any label. Any printed matter upon the label implying that this Division has approved it will be without warrant. It is believed that with the law and regulations before the manufacturers they will have no difficulty in arranging labels in conformity with the requirements set forth.

RULE 13. *Sodium benzoate and benzoic acid*. No prosecutions will be based upon the manufacture, sale, or having in possession with intent to sell, foods and food products manufactured or packed during the season of 1907 which contains sodium benzoate in quantities not exceeding one-tenth of 1 per cent, or benzoic acid equivalent thereto, provided sodium benzoate or benzoic acid has hitherto been generally used in such foods and food products; and provided further that sodium benzoate or benzoic acid is not used in connection with coal-tar dyes or any foreign coloring matter.

The label of each package of food or food products containing sodium benzoate or benzoic acid shall bear a statement that the food contains one-tenth of 1 per cent of sodium benzoate, or benzoic acid equivalent thereto, as the case may be.

PHILIPPINE ISLANDS.

GENERAL FOOD LAWS.

[No. 1655.]

SEC. 1. *Adulteration and misbranding unlawful; penalty.* It shall be unlawful for any person to manufacture within the Philippine Islands any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall, for each offense, be punished by a fine not to exceed one thousand pesos or by imprisonment for one year, or by both such fine and imprisonment, in the discretion of the court, and for each subsequent offense he shall be punished by a fine of not less than two thousand pesos nor more than five thousand pesos, or by imprisonment for one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. *Import or export of adulterated or misbranded foods or drugs prohibited; proviso.* The introduction into the Philippine Islands from the United States or from any foreign country, or the shipment to the United States or to any foreign country from the Philippine Islands of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from the Philippine Islands to the United States or to a foreign country, or who shall receive in the Philippine Islands from the United States or from any foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the Philippine Islands any such adulterated or misbranded foods or drugs, or export or offer to export the same to the United States or to any foreign country, shall be punished for the first offense by a fine not to exceed four hundred pesos, and for each subsequent offense he shall be punished by a fine not to exceed six hundred pesos or by imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to the United States or to any foreign country and prepared or packed according to the specifications or directions of the purchaser in the United States or in any foreign country when no substance is used in the preparation or packing thereof in conflict with the laws of the United States or of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption in the Philippine Islands, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

SEC. 3. *Rules and regulations.* The Insular Collector of Customs, the Director of Health, and the Collector of Internal Revenue of the Philippine Islands shall make uniform rules and regulations, subject to the approval of the Secre-

tary of the Interior of the Philippine Islands, for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the Philippine Islands or which shall be received from the United States or from any foreign country, or intended for shipment to the United States or to any foreign country, or which may be submitted for examination by the Director of Health for the Philippine Islands.

SEC. 4. *Examination of samples; hearings; publication of judgment.* The examinations of specimens of foods and drugs shall be made in the Bureau of Science, or under the direction and supervision of that Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of the Interior of the Philippine Islands shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of the Interior of the Philippine Islands shall at once certify the facts to the Attorney-General of the Philippine Islands with a copy of the results of the analysis or a report of the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 5. *Attorney-General shall prosecute.* It shall be the duty of the Attorney-General of the Philippine Islands to whom the Secretary of the Interior of the Philippine Islands shall report any violation of this Act, or to whom the Director of Health shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the Philippine Islands, without delay, for the enforcement of the penalties as in such case herein provided.

* * * The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compounded.

SEC. 7. *Definition of adulteration.* For the purposes of this Act an article shall be deemed to be adulterated: * * *

In case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any exter-

nal application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 8. *Definition of "misbranded."* The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which is false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta-eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device is false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

(1) In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

(2) In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 9. *Guaranty exempts dealer.* No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the Philippine Islands, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 10. *Disposal of adulterated or misbranded articles and proceeds therefrom.* Any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, that, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the Philippine Islands, or if it be imported from the United States or a foreign country for sale, or if it is intended for export to the United States or to a foreign country, shall be liable to be proceeded against in the Court of First Instance in the Philippine Islands of the judicial district within which the same is found, and shall be seized for confiscation and condemnation, and may be confiscated and condemned by said court in the proceedings so initiated. And if such article is condemned as being adulterated or misbranded, or as of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the Philippine Islands, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or to the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of the proceedings as provided in this section and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act or the laws of the United States, or of any State, Territory, District, or Insular possession of the United States, the court may by order direct that such articles be delivered to the owner thereof. The proceedings hereinbefore mentioned shall conform, as near as may be, to the proceedings in admiralty in the Courts of First Instance of the Philippine Islands, and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 11. *Disposal of adulterated or misbranded imports.* The Insular Collector of Customs shall deliver to the Director of Health, upon his request from time to time, samples of food and drugs which are being imported into the Philippine Islands or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of the Interior of the Philippine Islands or any official designated by him and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the Philippine Islands is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the Philippine Islands, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Insular Collector of Customs shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Insular Collector of Customs may prescribe; *Provided, That the Insular Collector of Customs may deliver to the*

consignee such goods pending examination and decision in the matter, on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Insular Collector of Customs, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

SEC. 12. *Definition of "person;" employer responsible for agent.* The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, associations, and other commercial or legal entities. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, association, or other commercial or legal entity within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, association, or other commercial or legal entity, as well as that of the person.

SEC. 13. *Passage of act expedited.* The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited, in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 14. *Effect; proviso.* This Act shall take effect on its passage: *Provided*, That any article the importation, offer, sale, transportation, or use of which is prohibited or restricted by this Act, which is in transit to the Philippine Islands at the time of the passage of this Act, shall not be subject to the fines, penalties, or forfeitures herein prescribed, but may, under rules and regulations to be prescribed by the Insular Collector of Customs, and approved by the Secretary of Finance and Justice, be returned to the port from which it was shipped: *Provided further*, That this privilege shall not be extended beyond a period of sixty days after the date of the passage of this Act.

Enacted, May 18, 1907. Taken from the Official Gazette (published by authority of the Philippine Commission), Manila, P. I., June 19, 1907, vol. 5, No. 25, pp. 342-344.

CONFECTIONERY.

See General Food Laws, page 64.

PORTO RICO.

MEAT.

SEC. 5. *Refrigerated meats.* The Director of Health, Charities and Corrections is hereby authorized to determine whether refrigerated meat may or may not be supplied to institutions under his direction.

Approved March 14, 1907. Laws of 1907, p. 157.

SOUTH CAROLINA.

GENERAL FOOD LAWS.

SEC. 1. *Adulteration and misbranding; penalty.* It shall be unlawful for any person to manufacture or sell, or offer for sale, any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, and any person who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding \$50 or by imprisonment not exceeding fifteen days for the first offence, and \$100 or thirty days' imprisonment for each subsequent offence.

SEC. 2. *"Food" and "drug" defined.* The term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary or United States Dispensary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed or compound.

SEC. 3. For the purpose of this Act an article shall be deemed to be adulterated:

In case of drugs and flavoring extract:

If, when a drug or flavoring extract sold under or by a name recognized in the United States Pharmacopoeia, or National Formulary or United States Dispensary, it differs from or does not conform to the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary or United States Dispensary official at the time of investigation. *Provided*, That no drug defined in the United States Pharmacopoeia or National Formulary or United States Dispensary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary or United States Dispensary.

Second. If its strength or purity fall below the professed purity or quantity under which it is sold.

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound,^a or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

^a So in Statutes.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application, applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole, or in part of a filthy, decomposed or^a putrid animal or vegetable substance or any portion of and animal unfit for food, whether manufacturer^a or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 4. "*Misbranded*" defined. The term "misbranded," as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular and to any food or drug or product which is falsely branded as to the State, Territory or County in which it is manufactured or produced. That for the purposes of this Act, an article shall also be deemed to be misbranded: * * *

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta encaine,^a chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients, shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds, which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "com-

^a So in Statutes.

pound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend, as used herein, shall be construed to mean a mixture of the substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only, and *Provided, further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 5. *Guaranty*. No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty, signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it.

SEC. 6. *State Board of Health—to carry out provisions of act*. For the purpose of carrying out the provisions of this Act the State Board of Health with one licensed druggist to be appointed by the Governor upon the recommendation of the South Carolina Pharmaceutical Association, shall take cognizance of the interests of the public health, as it relates to the sale of food, drugs, spirituous, fermented and malt liquors, and the adulteration thereof, and make all necessary inquiries and investigations relating thereto, and for such purposes may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal. Within sixty days after this Act goes into effect, the said State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement thereof. It shall prepare rules and regulations with regard to the proper methods of collecting and examining drugs, articles of food.

SEC. 7. *Appropriation*. The sum of \$1,000 is hereby appropriated for the purpose of defraying the expense, if any, of analysis or examination of any article of food or drug as provided for in this Act: said sum to be expended under the supervision and direction of the State Board of Health.

SEC. 8. *Effect*. This Act shall go into effect six months after its approval by the Governor.

SEC. 9. *Repeal*. All Acts and parts of Acts inconsistent with this Act be, and they are hereby, repealed.

Approved February 20, 1907. Acts and Joint Resolutions of 1907, No. 248, pp. 528-532.

CONFECTIONERY.

See General Food Law, page 69.

WATER.

SEC. 1. *Water company to have analysis made and published*. Every water company, whether owned by private individuals or corporations or by a municipality, shall have made, not less frequently than once in every three months, at its own expense by a chemist to be approved by the State Board of Health, a chemical analysis, and once every three months a bacteriological examination at its own expense by a biologist to be approved by the State Board of Health, of a sample of its water drawn from a faucet used for drinking purposes, packed and shipped in accordance with the instructions to be furnished by the Secretary of the State Board of Health, and the result of such examination shall be verified by a statement under oath of the chemist or biologist making the

same, and published at least once in a newspaper published in the town or city using said water, within ten days after receipt thereof.

SEC. 2. *Fee for examination.* For carrying out the provisions of this chapter, the State Board of Health is authorized and empowered to have the bacteriological examination made as hereinbefore provided for and to charge for the same the sum of five (\$5) dollars for each examination.

SEC. 3. *Board of health to inspect sources of water; publication of results.* As a check and as a guarantee of the faithful performance of the requirements laid down in this Act, the State Board of Health shall make or have made by its authorized agents, such inspections of the water sheds and such chemical and bacteriological examinations of the public water supplies of the State as may be deemed necessary to insure their purity. Should such inspections or examinations show condition or conditions dangerous to the public health, the Secretary of the State Board of Health shall notify the Mayor, the municipal health officer and the superintendent or manager of the water works at fault, and demand the immediate removal of said dangerous condition or conditions. If at the end of thirty days after the service of said notice and demand, the said dangerous condition or conditions shall not have been removed to the extent that due diligence could accomplish such removal, the said Secretary shall have printed in one or more of the local newspapers a plain statement of the facts for the information and protection of the citizens using the water: *Provided*, That nothing herein contained shall be construed to prohibit any municipality from imposing such additional tests and requirements as they may deem necessary, and the decision of the municipal authorities shall be supreme.

SEC. 4. *Penalty for violating this Act.* Every water company, its managing officers and directors, and the Mayor and Alderman of every city and town who shall neglect or fail to comply with and carry out the provisions of this Act shall be guilty of a misdemeanor and punished by a fine not exceeding \$100 or by imprisonment not exceeding thirty days for each and every offense.

Approved February 18, 1907. Acts and Joint Resolutions of 1907, No. 253, pp. 536-537.

SOUTH DAKOTA.

GENERAL FOOD LAWS.

Sections 1 to 32, inclusive, of the General Law, approved March 11, 1907 (Session Laws 1907, ch. 151, pp. 322-327), are identical with the corresponding sections of the Law approved February 24, 1905 (Laws of 1905, ch. 114, pp. 164-168), as given in Bul. 69, Revised, Part VII, 1906, pages 585-591, with the exception of changes in sections 1, 3, 10, and 14 (see "Candy"), which read as follows, the changes or additions being set in italics:

SEC. 1. *Creation of food and dairy department; commissioner.* The food and dairy department of the state of South Dakota is hereby created. Said department shall be in charge of an officer to be known as food and dairy commissioner, who shall be appointed by the governor, by and with the consent of the senate. The term of office of said commissioner shall commence on the first Monday in February of each odd numbered year and shall be for a term of two years, or until his successor shall be appointed and shall qualify. Vacancies occurring in the office for any cause, shall be filled by appointment by the governor for the unexpired term. Said commissioner shall give a bond of \$5,000.00 running to the state. The salary of said commissioner shall be *sixteen hundred (\$1,600.00)* dollars per annum.

SEC. 3. *Duty of commissioner to enforce law.* It shall be the duty of the said commissioner to enforce all laws that now exist, or that may hereafter be enacted, in this state for the purpose of preventing adulteration, misbranding and imitations of foods, beverages, candies and condiments; to enforce the laws regarding the production, manufacture and sale of dairy products, and to perform such other duties as may be provided by law. He shall make annual report to the governor for each fiscal year ending June 30, showing in detail the work of this department. He shall, also, so far as practicable, either in person or by his agents, encourage, assist and instruct those desiring him to do so, in the organization of creameries or cheese factories, associations and corporations, by lectures, pamphlets or practical demonstration. He shall also license butter makers and cheese makers, creameries and cheese factories in the manner hereinafter provided. *He shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in this state.*

SEC. 10. *Sale of adulterated or misbranded food unlawful.* It shall be unlawful for any person acting for himself or as the servant or agent of any other person, firm or corporation, to manufacture, sell, offer or expose for sale any article of food which is adulterated or misbranded within the meaning of this act. *The possession by any inn keeper, hotel keeper, restaurant keeper, or boarding house keeper of any food or drug which is adulterated or misbranded within the meaning of this act shall be deemed to be the keeping of such food or drug for sale.*

SEC. 33. *Preservatives, etc., unlawful.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale any article of food to which has been added formaldehyde, borax, boracic acid, benzoic acid, sulphites or sulphurous acid, salicylic acid, abradol, beta-naphthol, fluorine compounds, saccharine or coal tar dyes.

SEC. 35. *Adulteration defined.* For the purpose of this act drugs shall be deemed to be adulterated: * * *

Fifth. If in package form, and the contents are stated in terms of weight and measure, they are not plainly and correctly stated on the outside of the package, or if the package containing it or its label shall bear any statement, design or device, which statement, design, or device shall be false or misleading in any particular, *provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In case of mixtures or compounds which may be, or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with the name of the manufacturer and a statement of the place where said article has been manufactured or produced.

Second. Any article of food, medicine, drugs, condiment or beverage shall be deemed misbranded if it shall bear a geographical name which is misleading or which is not the true name of the place where the article shall have been grown, manufactured or produced, and prepared medicines which shall not bear a qualitative statement of what it is composed.

Third. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *provided*, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary^a foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 36. *Violation of act a misdemeanor; penalty; definition of "person;" employer responsible for agent.* Any person violating any of the provisions of the preceding section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment for each offense.

The word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent, or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission,^a or failure of such corporation, company, society or association as well as that of the person.

^a So in Statutes.

SEC. 45. *Interference with inspectors; penalty.* Whoever hinders, or obstructs or in any way interferes with the food and dairy commissioner, or his employees, deputies or inspectors in the performance of his or their duty shall be punished by a fine of fifty dollars (\$50.00) for the first offense, and one hundred dollars (\$100.00) for each subsequent offense and shall stand committed to the county jail until such fine is paid as provided by law.

SEC. 46. *Repeal.* Article eight (8) and article ten (10) of chapter twenty-seven (27) of the Revised Political Code, and all other acts and parts of acts in conflict with this act are hereby repealed.

Approved March 11, 1907. Session Laws 1907, ch. 151, pp. 322-331.

CANDY.

SEC. 14. *Candy.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale any candy which contains terra alba, barytes, talc, paraffine,^a chrome yellow or other mineral substances or poisonous colors or flowers,^a or rinses, malt or spirituous liquors or compound, or narcotic drug, or other ingredients injurious to health.

Approved March 11, 1907. Session Laws 1907, ch. 151, p. 325.

DAIRY PRODUCTS.

SEC. 1. *"Cream" defined; standard.* The word "cream" is hereby defined and construed to mean the pure butter fat, casein and milk sugar, taken from whole milk by gravity or separator process, which shall not contain less than (18) eighteen per cent of pure butter fat.

It shall be lawful to sell or offer for sale any cream which shall contain (18%) eighteen per centum of pure butter fat, which has been obtained from pure, whole milk and kept in a clean and sanitary place or vessel which has been obtained by either the gravity or separator process. *Provided,* That cream which is in a clean, wholesome condition procured from the milk of healthy cows kept under clean sanitary conditions which shall contain (25) twenty-five or more per centum of butter fat, and shall not contain to exceed two-tenths per centum of lactic acid shall be designated number one cream.

SEC. 2. *Number two cream.* Cream which is clean and wholesome, procured under good sanitary conditions, containing (25) twenty-five or more per centum of pure butter fat and not to exceed four-tenths per centum of lactic acid, shall be designated number two cream.

SEC. 3. *Number three; "renovated" products.* Cream which is clean and wholesome, procured under good sanitary conditions, containing (25) twenty-five or more per centum of pure butter fat, and not to exceed six-tenths per centum of lactic acid shall be designated as number three cream.

All cream which contains more than (7) seven-tenths^a per centum of lactic acid or which has been procured from unhealthy cows, or cows which have not been fed wholesome food, or kept in reasonably clean or sanitary quarters shall be designated rejected, unwholesome cream and shall not be received at any creamery or manufactory of dairy products and mixed with other better grades of cream and mingled with the regular products of said creamery or manufactory of dairy products within this state. But shall be kept separate and the products made from such cream shall be kept separate and apart from the regular output of said manufactory of dairy products or creamery, and shall

^a So in Statutes.

be branded on the outside of every package in plain letters not less than one inch in size "Renovated." For the purposes of this act the several grades of cream mentioned herein shall be determined by the well-known chemical standard alkaline tests now in use in the creameries and chemical laboratories everywhere.

SEC. 4. *Violation; penalty.* Any person or persons who shall be found guilty of violating any of the provisions of this act shall be fined not less than (\$10.00) ten dollars, nor more than (\$50.00) fifty dollars, or by being confined in the county jail for not more than (60) sixty days, or by fine or imprisonment or both fine and imprisonment in the discretion of the court for each and every offense.

SEC. 5. *Repeal.* All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 7, 1907. Session Laws 1907, ch. 152, pp. 332-333.

SEC. 37. *License for cream and cheese factories.* Every cream and cheese factory proprietor or corporation shall on the first day of April each year, or within thirty days thereafter, be licensed by the food and dairy commissioner, to manufacture from pure milk or cream, butter or cheese, or both, and shall pay to said commissioner the sum of one dollar for each and every factory owned and operated by said individual or corporation. No license shall be sold or transferred. Each license shall record the name of the owner or corporation, place of business, the location of the factory or skimming station and the number of the same. Each licensee shall before engaging in the manufacture of butter or cheese, cause the number of the license to be placed conspicuously on the wall on the inside of said factory or skimming station, and he or they shall report to the said commissioner, on blanks furnished by said commissioner, the names and post-office address of all the officers of said factory, including the butter and cheese maker. Any change in the management or butter maker, or cheese maker, during the term of said license shall be properly reported to the said commissioner.

SEC. 38. *Monthly report from cheese factories, etc.* Every manager, secretary, superintendent, or person in charge of any creamery, cheese factory, or renovating or process butter factory in this state shall make a monthly report to the food and dairy commissioner, not later than the last day of each month, of the product of the factory and such other information as the commissioner may require for the preceding month, ending on the last day thereof. Blanks upon which to make such reports shall be procured from the said commissioner.

SEC. 39. *Brands, etc., to be procured from commissioner; failure, a misdemeanor.* Every person who shall, at any cheese factory in this state, manufacture cheese, and shall fail, at the factory where it was made, to distinctly and durably stamp on the bandage of every such cheese and on the box containing the same, in full-faced capital letters, the location of the factory and the grade of the cheese: "South Dakota Full Cream Cheese," "Skim" or "Imitation" as herein defined, shall be deemed guilty of a misdemeanor and punished as hereinafter provided. Brands and stencils for stamping shall be procured of the food and dairy commissioner. The food and dairy commissioner is hereby authorized and directed to issue to each cheese factory, upon proper application therefor, uniform stencils or brands, to be used as provided in this section.

SEC. 40. *Issuance and use of brands, etc.* The food and dairy commissioner shall issue at cost stencils and brands provided for in section 39 of this article, upon proper application therefor, and shall keep a book in his office, which book

shall contain a record of the number of each brand issued and the names and location of the factories receiving the same, and no factory other than the one to which such brand or stencil is issued shall use the same.

SEC. 41. *Licenses.* Any person desiring to engage in the occupation of butter maker or cheese maker, in any creamery or cheese factory in the state shall make application to and procure from the food and dairy commissioner a license to engage in such occupation. Such license shall be issued upon satisfactory examination as to the qualifications of the applicant. If the applicant furnish to the commissioner satisfactory recommendations from the manager or board of directors of the factory in which he may have been employed of his ability as a butter maker or cheese maker, such recommendation may be accepted in lieu of an examination.

SEC. 42. *Tests to be accurate.* It shall be a misdemeanor for the owner, manager, agent or any employee of any creamery or cheese factory to manipulate or underread the Babcock test or any other contrivance used for determining the quality or value of milk.

SEC. 43. *Imported adulterated or imitation foods.* Any adulterated foods, or imitation butter or cheese shipped into this state, not labeled as provided by law in this state, may be seized by the food and dairy commissioner and confiscated by him.

SEC. 44. *Penalty for violation of act.* Any person violating any of the provisions of sections thirty-seven, thirty-eight, thirty-nine, forty-one or forty-two of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars and by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment.

Approved March 11, 1907. Session Laws 1907, ch. 151, pp. 330-331.

FOOD AND DAIRY COMMISSIONER'S RULINGS.

1. *Co-operation.* The commissioner cordially invites all good citizens to a hearty co-operation in the enforcement of the Pure Food, Dairy, Drug, Paint, and Liquor Laws of the state of South Dakota.

2. *Analysis fees.* On and after July 1st, 1907, all analyses asked for from outside the state, must be paid for by the parties desiring the analysis made. The amount of such fee will be determined by the chief chemist, according to the work required.

3. *Food defined.* The term "food" includes all articles used for food, drink, flavoring, confectionery, or condiment, by man or domestic animals, whether simple, mixed or compound.

4. All foods and beverages must be free from chemical preservatives, Formaldehyde, Borax, Borneic Acid, Sulphites or Sulphurous Acid, Salicylic Acid, Abrastol, Betanaphthol, Flavoring Compounds, Saccharine or Coal Tar Dyes.

5. *Labels.* All foods and beverages must be labeled true to name in every respect, and bear a true statement of the amount by volume or weight, and what it contains. Every box, can, carton or other container must bear the name of the manufacturer or packer, and the location of factory. It must also show a true grade, class or character of the goods.

6. *Adulterations of foods.* The sale of any adulterated article of food is prohibited unless the package bears a label with the word "Adulterated" preceding the name of the article, together with the name and address of the manufacturer.

Foods shipped into this state not labeled as required under the provisions of law are subject to confiscation by the commissioner or his deputies.

7. *Baking powder.* Every can, box or package must be labeled with the name of the manufacturer, his address, the name of the Baking Powder, and the words, "This baking powder is composed of the following ingredients and none other," immediately followed by the true and common name of each and all ingredients contained in such powder. All this must appear on such colored label that the contrast between it and the printed matter that the reading will be easily comprehended, and the type used must be no smaller than brevier heavy gothic "caps."

All baking powder must be true to label and contain no injurious substances.

8. *Canned goods.* All canned goods must bear the name and address of the packer, and contain no poisonous ingredient, preservative, or injurious coloring matter, copper or iron greening of vegetables is prohibited.

9. *Candies.* All candies must contain no coal tar dyes, mineral substances, poisonous coloring or flavor, or other ingredients injurious to health.

10. *Catsups.* Catsups must contain no injurious ingredients, coloring matter or preservatives. Benzoate of soda, 1 to 2,000, is allowed for the present (but the right to change this ruling before the next crop is matured is reserved). Starch or other substances must not be used as a filler.

11. *Cider.* Apple cider is the only product which can be sold under the one word name "cider." It must be produced wholly from the unfermented juice of the apple, and must contain no preservatives forbidden.

12. *Coffee.* Coffee, if sold as such, must be true to name and not coated to conceal inferiority. Blended coffees must give the names and proportions of the coffees employed. Coffee may be mixed with chicory or other substances not injurious to health, if labeled "Coffee Compound," with the name and address of the manufacturer.

Coffee substitutes, composed of cereals in a combination, labeled or sold as a substitute for coffee, may be sold under a coined name, if the name is not any one of the ingredients contained therein.

13. *Cream of tartar* must be true to name and unadulterated.

14. *Farinaceous goods* must be true to name, pure and unadulterated. If mixed or compounded, must be sold under a coined name.

15. *Honey.* The only product which can be sold under the one word name "Honey" must be wholly made by bees from the natural secretions of flowers and plants. All other honeys must be sold as provided in "Mixtures and Compounds."

16. *Jellies, jams and preserves.* This embraces all foods and preparations of foods known under the above names, whether prepared from animal or vegetable products. They must be pure and true to label, otherwise they must be labeled "Imitation," together with the name and address of the manufacturer, and the name of the constituent parts in as conspicuous type as the trade name. No preservatives or artificial coloring matter allowed.

17. *Lard* must be wholly, legitimately and exclusively the rendered fresh fat from slaughtered healthy hogs. Adulterated lard, and lard substitutes may be sold as provided in case of "Mixtures and Compounds," or under a trade or coined name. No preservatives can be used in any kind of lard or lard substitutes.

18. *Meats* must be procured from healthy animals and be in a wholesome condition. Must not be tainted or otherwise unwholesome and must be free from preservatives of any kind other than salt or pure sugar or both. The sale of meat procured from calves less than four weeks old is prohibited.

Pickled, prepared, preserved or canned meats must be free from prohibited preservatives and artificial coloring matter.

19. *Maple sugar and syrup* must be the legitimate and exclusive product of the sap of the maple tree. Blends or mixtures may be sold under the provisions of section (9) nine of the food laws as ruled under "Mixtures and Compounds."

20. *Oleomargarine* may be sold under its true name of uncolored and containing no preservatives or injurious substance. The term "Oleomargarine" is construed to mean any substance, not pure butter, containing 80 per cent. or more fat, used in place of butter.

21. *Prepared mustard* may be sold under the name if it does not contain any foreign, injurious or other substance to cheapen its value.

22. *Sausages* must be free from prohibited preservatives and artificial coloring matter.

23. *Spices and condiments* must be pure and wholly unadulterated with any foreign substances. Other than pure spices must be sold as provided in "Mixtures and Compounds."

24. *Syrup—sorghum syrup* must be produced wholly from sorghum cane. Cane syrup or molasses must be wholly produced from sugar cane. Blends or mixtures must be sold under the provisions of section (9) nine of the food laws as ruled under "Mixtures and Compounds."

25. *Vinegar* must be pure, of an acidity equivalent to the presence of not less than four and one-half per cent. by weight of absolute acetic acid, and containing no preparation of lead, copper, sulphuric acid or other injurious ingredient, or any artificial coloring matter. Must be true to name and in the case of apple cider vinegar, must be the legitimate product of pure apple juice, and contain not less than two (2) per cent. of cider vinegar solids. The barrel must be stenciled or labeled with the name and address of the vinegar manufacturer, the kind of vinegar contained in the barrel and the acid strength of the vinegar.

26. *Mixtures and compounds* may be sold when properly labeled. Any article of food coming under this definition must contain no poisonous or deleterious ingredients; must be plainly labeled or branded to indicate that it is a mixture, compound, combination, imitation or blend, and show the true character and constituents, together with the proportions of said constituents, all of which must appear on the same label and in as conspicuous type as the trade name of the article. The name and address of the manufacturer must also be given. The use of preservatives and artificial coloring matter is prohibited.

COMMISSIONER'S RULINGS ON FLAVORING EXTRACTS.

1. *All flavoring extracts* must be labeled true to name and without any deception whatever. The labels must state in every instance the per cent. of alcohol per volume used in their manufacture. No methyl alcohol allowed.

2. *Lemon extract* must carry five per cent. by volume of true oil of lemon, double extracts ten per cent. and triple extracts fifteen per cent. No coloring, except that derived from lemon peel allowed.

3. *Terpeneless lemon extract* must be labeled "IMITATION LEMON EXTRACT, TERPENELESS." No coloring allowed. The word "Terpeneless" must be in the same size type as the words "IMITATION LEMON EXTRACT."

Spurious lemon extracts made from such substances as lemon grass oil, Citronella, etc., are illegal under any circumstances and their sale will not be allowed.

4. *Vanilla extract* must be made wholly from vanilla beans extracted with 40 per cent. alcohol. No artificial coloring allowed. Each 100 cubic centimetres in the single extract must carry the extractive matter from 10 grams of vanilla beans, double extracts twice and triple extracts three times that amount.

Sugar and glycerine may be used or not in the preparation of true vanilla extract as the manufacturer elects, but no alkali must be used. No foreign resins or artificial vanillin is allowed.

5. *Tonka extract* must be made wholly from tonka beans extracted by 40 per cent. alcohol and must contain at least 0.1 per cent. coumarin derived from tonka beans together with the proportional amount of other extractives occurring in tonka beans. No artificial coloring, foreign resins, alkali, or artificial coumarin allowed.

6. *Vanilla and tonka extract* must be prepared from vanilla and tonka beans only and in accordance with the two preceding rulings. The words "VANILLA" and "TONKA" must be printed in equal sized type.

7. *Compound extracts.* Any extracts made by adding artificial vanillin to vanilla extract must be labeled "COMPOUND VANILLA EXTRACT." No artificial coloring or resins allowed. Similarly an extract made by adding artificial coumarin to tonka extract must be labeled "COMPOUND TONKA EXTRACT," with the same prohibitions.

8. *Artificial vanilla extract* is made by dissolving artificial vanillin in alcohol and must be so labeled. The per cent. alcohol employed is not fixed but the label must state the per cent. alcohol employed. No coloring matter allowed.

9. *Artificial tonka extract* is made by dissolving artificial coumarin in alcohol and must be so labeled. Same restrictions as in preceding.

An extract made by dissolving artificial vanillin and artificial coumarin in alcohol must be labeled "Artificial Extract Vanilla and Tonka." No coloring allowed and same restrictions as in the case of single artificial extracts.

10. *Orange extract* must carry five per cent. true oil of orange. No coloring except that derived from orange peel allowed.

11. *Terpeneless orange extract* must be labeled "Imitation Orange Extract, Terpeneless," and must correspond in flavoring strength to Orange Extract. No coloring allowed.

12. *Almond extract* must be free from hydrocyanic acid and must carry at least one per cent. true oil of bitter almonds.

13. *Artificial extracts* made to resemble pineapple, strawberry, raspberry, banana, blackberry, etc., etc., must be labeled "Artificial Strawberry Extract," "Artificial Pineapple Extract," etc., etc., as the case may be. No artificial coloring allowed and no statement or design must appear on the label whereby the purchaser may be misled into believing them prepared from the natural fruits.

14. *Miscellaneous extracts.* All other extracts must be true to name and be made from the proper essential oils.

INTOXICATING LIQUORS.

[To Go Into Effect July 1, 1907, in Accordance with Chapter 121, Session Laws of 1905, State of South Dakota.]

1. No coal tar colors or prohibited preservatives are permitted in any malted, fermented or distilled liquors used as a beverage or for medical purposes.

2. No malted, fermented or distilled liquors shall contain any poisonous metallic salts, any methylalcohol, or any antiseptic forbidden by Section 33, H. B. 292, Session Laws of 1907.

3. No class of whiskey under 90 per cent. proof shall be allowed, and all bottled whiskey shall bear the label: "Guaranteed not to be under 90 per cent. proof," together with a true statement of the quantity of whiskey the bottle contains."

4. The minimum percentage proof for distilled liquors other than whiskey shall be as follows: Brandy, 90 per cent.; Rum, 90 per cent.; Gin, 80 per cent.

5. The minimum percentage of alcohol for wines shall be 10 per cent. Traces of sulphurous acid employed in disinfecting the wine barrels not to exceed 20 parts per million is permissible. Bottled wines must declare on the label the name and address of the producer. Wines in kegs and barrels must carry the name and address of the producer on the container, and in all cases if a geographical name is used, the wine must have been produced where the name implies.

6. All distilled liquors sold in bottles must carry on the label the true name and address of the manufacturer or rectifier and the bottler, together with a truthful statement of the exact quantity of liquor which the bottle contains. All liquors in larger packages, such as kegs, barrels, etc., must be plainly stamped or stenciled with the name and address of the manufacturer or rectifier. No misleading geographical names allowed.

7. Sweetened goods, such as Tom Gin, and Rock and Rye, must bear a label showing the real or actual proofage of the goods, which must, in all cases, be the required proofage as indicated in Rulings 3 and 4, together with the name and address of the manufacturer or rectifier and bottler, and a truthful statement the exact amount of liquor the bottle or package contains. The actual (not apparent) proofage will be determined by chemical analysis.

8. All other liquors not heretofore specifically mentioned, such as blackberry brandy, cordials, bitters, etc., must be pure and free from coal tar dyes or any harmful ingredients or prohibited preservatives, and the labels thereon must bear the name and address of the manufacturer.

9. Whiskeys must be classified and labeled or designated as follows:

First. Straight or two stamp whiskey is entitled to the name "WHISKEY," without any qualifying word except those usually used to designate the kind or brand.

Second. Whiskey made by mixing two or more straight whiskies must be labeled "BLENDED WHISKEY."

Third. Whiskey made by mixing straight whiskey with neutral spirits or alcohol and to which harmless coloring or flavoring has been added must be labeled "COMPOUND WHISKEY." No whiskey containing less than 50 per cent straight whiskey shall be entitled to the name "COMPOUND" and every bottle, barrel or container must carry the label. "Guaranteed to contain not less than 50 per cent. straight whiskey."

Fourth. Whiskey made from neutral spirits and harmless coloring and flavoring must be labeled "IMITATION WHISKEY." No drugs of any description allowed.

ADDITIONAL RULINGS ON SPIRITUOUS BEVERAGES.

Owing to numerous questions that have arisen since the new State law and the National Pure Food Law have gone into effect, it has become necessary to make additional rulings in order that the interests of manufacturers who are anxious to comply with the law may not be needlessly jeopardized and that the interests of the consumer may be protected.

10. In ruling 3 occur the words "Guaranteed not to be under 90 per cent proof." This means that the liquor carries 45 per cent of absolute alcohol by volume. In lieu of these words a simple statement giving the percentage of alcohol by volume may be used. This accomplishes the same result.

11. Ruling 7 has given rise to many inquiries. In answer the following is appended. Tom Gin must carry 40 per cent alcohol by volume. Sweetened

goods such as Rock and Rye, Arrack Punch, Rum Punch, Kuemmel, and all biters and cordials must declare on the label the actual per cent of alcohol by volume. These latter goods are simply preparations from liquors. No indefinite label such as "Manufactured from 90 proof rye," etc. will be allowed.

12. Compound and imitation whiskeys may be sold under the following restrictions without the name of the manufacturer appearing on the label:

a. The manufacturer must file with the Food and Dairy Commissioner of this state his serial number and formula according to which the goods are guaranteed to be made.

b. In all cases the goods must be labeled to conform to the other rulings previously promulgated, and in addition must bear the U. S. serial number and place of manufacture.

c. Every package must bear the label stating for whom the goods were prepared. For example. "Bottled expressly for John Doe." But "John Doe" must be the actual retailer for whom the goods were prepared.

d. Before any goods of this description can be sent into the state, the manufacturer must file his serial number and formula and submit labels to the commissioner for his approval.

e. If any abuses arise under this ruling the right to cancel it without notice is reserved.

13. Concerning the use of harmless coloring and flavors in blends and compounds the U. S. Rulings will be followed. But no coal tar dyes are allowed.

ICE CREAM.

Ice cream is a product made from cream and sugar with or without a natural flavoring, and contain not less than 14 per cent butter fat. It may be flavored with any flavoring matter such as Lemon, Vanilla, Strawberry, Orange or other flavoring extracts of like nature, which are pure, not containing any injurious ingredients. Following this standard we require that all "Ice Cream" shall bear on the label on the container, whatever ingredients other than it should contain. "Gelatine and Gum Tragacanth or other fillers which may be used" in addition to what the standard calls for. If it contains less than 14 per cent of butter fat, it must be labeled "Ice Milk." All fillers of whatever nature, must be such as comply with the Pure Food laws of South Dakota. We will prosecute vigorously where these conditions are not complied with. Coloring with butter or cheese color to make it appear richer in cream than it really is will be prohibited.

CONDIMENTS.

The refilling of catsup bottles bearing a label from jugs or bulk cans, with other than the identical catsup represented by said label is positively prohibited.

Hotel keepers, proprietors of restaurants and boarding house keepers are warned that if they do not desist from this practice prosecutions will follow without delay.

TENNESSEE.

GENERAL FOOD LAWS.

Whereas the Congress of the United States on June 30, 1906, passed an Act to prevent the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein: and

Whereas said law applies only to the manufacture of adulterated or misbranded foods or drugs in the territories of the United States and the District of Columbia and the interstate traffic in the same; and

Whereas under said law manufactures^a of all adulterated foods and drugs are at liberty to make and sell same within any State at the great detriment and danger of the people thereof: Now, therefore, in order to supplement said Federal law and to protect the people of this State from imposition and danger attending the use of all such adulterated and misbranded food and drugs:

SEC. 1. *Adulterated or misbranded food or drugs; penalty.* It shall be unlawful for any person to manufacture within this State any article of food or drugs which is adulterated or misbranded within the meaning of this Act, or to sell or give away the same, and any person who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor, and for the first offense shall, upon conviction thereof, be fined not to exceed five hundred dollars, or shall be sentenced to one year imprisonment in the penitentiary of the State, or both such fine and imprisonment, in the discretion of the court: and the grand subsequent offense, upon conviction thereof, shall be fined not more than one thousand dollars or sentenced to not more than two years in said penitentiary, both such fine and imprisonment, in the discretion of the court: and the grand juries of the several counties of this State shall have inquisitorial power over said offenses, and the judges of the several Criminal Courts and Circuit Courts having criminal jurisdiction shall especially charge this law to the grand juries of the several counties of the State.

SEC. 2. *Definition of "drug" and "food."* * * * The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

SEC. 3. *Standards for drugs and food.* For the purpose of this Act an article shall be deemed to be adulterated:

In case of confectionery:

1. If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous color or flavor or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In case of food:

1. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

^a So in Statutes.

2. If any substance has been substituted wholly or in part for the article.
3. If any valuable constituent of the article has been wholly or in part abstracted.
4. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed; *Provided*, that burned sugar or any coloring matter whatever used in the manufacture of vinegar or cider shall be deemed an adulteration.
5. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; *Provided*, that when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.
6. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of animal unfit for food, whether manufactured or not; or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

SEC. 4. "*Misbranded*" *defined*. The term "misbranded," as used herein, shall apply to all drugs or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular; and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

For the purpose of this Act an article shall be deemed to be misbranded:

In case of food:

1. If it be an imitation of or offered for sale under the distinctive name of another article.
2. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivation or preparation of any such substances contained therein.
3. If in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.
4. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substance contained therein, which statement, design, or device shall be false or misleading in any particular; *Provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:
 1. In the cases of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

2. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; *Provided*, that the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring, and flavoring only; and, *Provided, further*, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 5. *Exemption under guaranty.* No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty in accordance with the provisions of the national pure food and drugs Act, June 30, 1906, or a guaranty signed by the wholesaler, jobber, manufacturer, or other parties residing in this State from whom he purchases such articles to the effect that same is not adulterated or misbranded within the meaning of this Act designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sales of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

SEC. 6. *Terms "territory" and "person," defined; employer responsible for agent.* The term "territory," as used in this Act, shall include the insular possessions of the United States. The word "person," as used in this Act, shall be construed to import the plural or the singular, as the case demands, and shall include firms, corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association within the scope of his employment or office shall in every case be also deemed to be the act, omission, as ^a failure of such corporation, company, society, or association, as well as that of the person.

Provided, that nothing in this section shall apply to goods, wares, and merchandise in the bonds ^a of the wholesales ^a or retails, ^a at the date of the passage of this Act when the date of receipt of said goods can be satisfactorily established by invoice or otherwise.

SEC. 7. *Chief inspector; salary.* To more fully enforce the provisions of this Act there shall be appointed by the Governor a person who shall be a chemist of established reputation and ability, who shall be known as "Pure Food and Drug Inspector," and who shall hold office for a term of two years from the 15th day of January of the year of his appointment. The salary of said Inspector shall be twenty-five hundred dollars per annum, payable monthly out of the treasury of the State, as are paid the salaries of other State officials.

SEC. 8. *Headquarters and duties of inspector.* Said inspector shall establish and maintain an office and laboratory in the Capitol or elsewhere in Nashville and sublaboratories in other place or places as may be deemed advisable or necessary by the State Board of Health; and said laboratory or laboratories shall be equipped by said Inspector for proper inspection and analysis of all food and drugs mentioned in this Act, said office and laboratory to be established, equipped, and conducted under the supervisions of the State Board of Health. It shall be the duty of said Inspector to keep himself informed as to the various food and drug products manufactured or sold in this State, and

^a So in Statutes.

from time to time inspect and analyze^a the same, and in case of any violation of this law, said State Board of Health or its duly authorized representative shall act as prosecutor in the court having criminal jurisdiction of said offense. The sum of one thousand dollars, or as much thereof as may be necessary, is hereby appropriated for the equipment of the office and laboratory or laboratories provided in this section.

SEC. 9. *Analyses of samples; expenses.* Said Pure Food and Drug Inspector shall be required to obtain through purchase or otherwise samples of all food and drugs manufactured or sold in this State and inspect and analyze^a the same; and he shall keep a complete record in his office of all such inspections and analyses, together with all expenses attached thereto. He shall certify such expenses to the Comptroller of the State, and the same shall be paid as other expenses of the State are paid out of the treasury; but such expenses shall not exceed one hundred dollars for any one month during the year. Said Inspector shall make such reports to the State Board of Health as they may from time to time require. He shall also make an annual report to the Governor, showing the expenses of the office, the number and character of inspections, and the results accomplished by said office.

SEC. 10. *Disposal of fines.* All fines collected under the provisions of this Act shall be turned into the treasury of the State.

SEC. 11. *Repeal.* All laws or parts of laws in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect from and after January 1, 1908, the public welfare requiring it.

Approved April 9, 1907. Acts of 1907, ch. 297, pp. 1005-1012.

CONFECTIONERY.

See General Food Law, page 83.

DAIRY PRODUCTS.

SEC. 1. *Permits.* For the purpose of enabling the Boards of Health within taxing districts and cities having a population of one hundred thousand and upwards according to the Federal census of 1900 or any subsequent Federal census to secure a better control and a better inspection of the milk supplied in said taxing districts and cities, said Boards of Health in taxing districts and cities to which this Act may apply are hereby authorized and empowered to issue permits to all persons, firms, or corporations engaged in the selling of milk at wholesale or retail within the limits of said cities or taxing districts, or engaged in the production of milk which is sold by others in said taxing districts or cities. Said permits shall read as follows:

"This is to certify that ----- is hereby permitted by the Board of Health to sell milk at wholesale or retail within the limits of -----, or to produce milk to be sold therein by others for the period of twelve months from this date. This permit is subject to revocation by this Board, if at any time said -----, who holds this permit, shall violate the ordinances of ----- or the laws of the State with reference to the production or sale of milk or its products. This permit is not transferable. The fee for this permit, \$15, has been paid, and the receipt is hereby acknowledged. Attest: The Board of Health of ----- By -----, President; -----, Secretary."

SEC. 2. *Revocation of permit.* It shall be the duty of said Board of Health, at its discretion, to revoke said permit at any time that the party holding same

^a So in Statutes.

shall have been convicted of the violation of the ordinances of said taxing districts or cities, or the laws of the State with reference to the production or sale of milk and its products; and if said party shall have been convicted of the violation of said laws or ordinances as many as three times, then the Board of Health shall revoke said permit, and said party shall not be entitled to receive another permit until twelve months have elapsed after the revocation of his permit.

SEC. 3. *Cost of permit.* The fee for this permit shall be \$15 in each case, and said fees shall be collected by the Secretary of the Board of Health when the permits are issued, and the funds arising from these fees shall be used by the Board of Health, in addition to any appropriation that it may now have for the employment of a chemist, and for such milk inspectors as may, in their discretion, be considered necessary, and to defray any other expenses connected with the inspection of the milk supply.

SEC. 4. *Collection and disposition of fees.* The Secretary of the Board of Health shall collect and disburse the funds arising from these fees upon the orders of the Board of Health.

SEC. 5. *Standards; penalty for nonobservance.* The Board[s] of Health of the respective taxing districts and cities to which this Act may apply shall, and they are hereby given the power to fix the standard of milk, cream, and other milk products to be sold in said taxing districts or cities; and after said standard shall have been fixed, it shall be unlawful for any person, firm, or corporation to offer for sale any milk, cream, or milk products of a lower standard than that fixed by the Board of Health, and to do so shall be a misdemeanor, and, upon conviction, the party found guilty thereof shall be fined not less than \$25 or more than \$100 for each offense.

SEC. 6. *Rules and regulations.* The Board of Health of the respective taxing districts or cities to which this Act may apply are hereby given the power to enact such rules and regulations as may, in their discretion, be necessary for the proper control and inspection of the milk that may be offered for sale in said taxing districts or cities and to enforce same.

SEC. 7. *Effect.* This Act take[s] effect from and after its passage, the public welfare requiring it.

Approved April 6, 1907. Acts of 1907, ch. 202, pp. 717-719.

TEXAS.

GENERAL FOOD LAWS.

SEC. 1. *Adulteration or misbranding.* No person, firm or corporation shall within this State manufacture for sale, have in his possession with the intent to sell, offer or expose for sale, or sell or exchange any article of food, drink or drugs which is adulterated or misbranded within the meaning of this act. The term "food" as used herein shall include all articles used for food, drink, flavoring, confectionery or condiment, by man, whether simple, mixed or compound. The term "drugs" as used in this act shall include all medicines and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or animals.

SEC. 2. *Adulteration defined.* For the purposes of this act an article shall be deemed to be adulterated: * * *

In the case of confectionery: If it contain terra alba, barytes, talc, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food: First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering of the packages. The provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 3. *Definition of "misbranded."* The term "misbranded," as ^a used herein, shall apply to all drugs or other articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular.

^a So in Statutes.

For the purposes of this act an article shall also be deemed to be misbranded:

In the case of food: First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labelled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilid ^a or any derivative or preparation of any of such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its labels shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *provided*, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *provided*, that the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *and provided further*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 6a. *Use of imitations, etc., in restaurants, etc.; penalty.* Whenever any hotel, tavern, restaurant or boarding house shall knowingly serve for the use of their patrons such food as is defined in this bill as compounds, imitations, blends, renovated butter, imitation cheese, adulterated milk or adulterated lard, shall keep conspicuously posted or printed on a bill of fare, a list of the articles of food so served in plain and legible words, the brands or labels upon the original package or the constituent parts of such food article. *Provided further*, that all dispensers of intoxicating liquors shall keep on the bottle from which such liquor is served, a label in plain and legible letters the constituent parts and contents of such liquors served. Whoever shall fail to comply with the provisions of this section, or shall violate any of its provisions shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25, nor more than \$500 or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment. Each day that any of the provisions of this section is violated shall constitute a separate offense.

^aSo in Statutes.

SEC. 16. *Preservatives.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale, or exchange any article of food to which has been added formaldehyde, borax, boracic acid, benzoic acid or sulphurous acid, salicylic^a acid, abradol, beta-naphthol, fluorine compounds, saccharin, alcohol; *provided*, that saccharin may be used as a sweetener only in carbonated drinks.

SEC. 25. *Contracts, equivalent to sales.* The taking of orders or the making of agreements or contracts by any person, firm or corporation or by an agent or representative thereof, for the future delivery of any of the articles, products, goods, wares or merchandise embraced within the provisions of this act, shall be deemed a sale within the meaning of this act.

SEC. 26. *Penalty for misbranding.* Whoever shall falsely brand, mark, stencil or label any article or product required by this act to be branded, marked, stenciled or labeled, or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment, for each and every offense.

SEC. 28. *Penalty for violation of act.* Whoever shall do any of the acts or things prohibited, or wilfully neglect or refuse to do any of the acts or the things enjoined by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act, shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail for a period of not more than ninety days or by both such fine and imprisonment.

SEC. 52. *Guarantor responsible for violation.* No dealer shall be under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing within this State or in the United States from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 53. *Dairy and food commissioner; qualifications; term; appropriation.* On October 1st after this act shall take effect the Governor shall appoint a suitable person to be Dairy and Food Commissioner, who shall be a practical analytical chemist, and bacteriologist, which office is hereby created, and which Commissioner so appointed shall hold office until the first day of January, 1909, and until his successor is appointed and qualified. At the next regular session of the Legislature, and every two years thereafter, the Governor shall appoint a Dairy and Food Commissioner, who shall be a practical analytical chemist and bacteriologist, who shall hold his office for the term of two years from the 1st day of January in the year of his appointment and until his successor is appointed and qualified. The sum of \$5000 is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the purpose of paying the salary and other expenses of the Dairy and Food Commissioner and his assistants.

SEC. 54. *Appointment and removal of commissioner.* The Governor shall have power to remove such Commissioner at any time in his discretion, and in case of a vacancy in the office of Commissioner from any cause, the Governor may appoint another person to fill the same.

^a So in Statutes.

SEC. 53. *Oath of office and bond of commissioner.* Before entering upon the duties of his office the person so appointed shall make, subscribe and file in the office of the Secretary of State an oath of office in the form prescribed by law, and shall enter into bond with the State of Texas in the sum of \$10,000, with sureties to be approved by the Governor, conditioned for the faithful performance of his duties.

SEC. 56. *Commissioner to appoint deputy, etc.; salaries; offices; expenses; proviso.* Said Commissioner shall receive an annual salary of \$2000. The said Commissioner is hereby authorized and empowered and with the advice and consent of the Governor to appoint a deputy commissioner, who shall be a practical analytical chemist. The salary of the deputy commissioner shall be \$1200 per annum. The Commissioner shall appoint one stenographer for the transaction of the business of his office. Said stenographer shall receive an annual salary of not to exceed the sum of \$600. The actual and necessary expenses of the Commissioner and his deputy in the performance of their official duties shall be audited by the Comptroller and paid upon his warrant drawn on the State Treasurer. Such compensations and expenses shall be certified, audited and paid in the same manner as salaries and expenses of similar offices. The deputy commissioner shall enter into bonds with the State of Texas for the sum of \$5000, with sureties to be approved by the Commissioner, conditioned for the faithful performance of his duties. Office room shall be furnished in the College of Industrial Arts located at Denton, Texas, and the necessary fixtures, apparatus and the necessary stationery, supplies and printing for the conduct of the business of the said Commissioner shall be furnished by the State of Texas. Said Dairy and Food Commissioner shall be under the supervision of the Board of Directors of the College of Industrial Arts of Texas.

Provided, that the Board of Directors of said college shall have no power to supervise, direct, control, or in any manner interfere with said Dairy and Food Commissioner in the performance of the duties of his office, but the supervisory powers of said board shall only extend to the location of said office room for said Commissioner in said college and to making arrangements and agreements with said Commissioner whereby the students of said college may be enabled to get the benefit of such analyses and such other work of said Commissioner as may be of benefit to such students.

SEC. 57. *Duties of Commissioner.* It shall be the duty of the Dairy and Food Commissioner to carefully inquire into the quality of the dairy, food and drink products, and the several articles which are foods or the necessary constituents of food or drink which are manufactured or sold or exposed or offered for sale in this State, and he may in a lawful manner procure samples of the same and make due and careful examination, and the analysis of all or any such food, drugs and drink products, to discover if the same are adulterated, impure or unwholesome, in contravention of the laws of this State, and it shall be the duty of the Commissioner to make complaint against the manufacturer or vendor thereof, in the proper county, and furnish the evidence thereon and thereof to obtain a conviction of the offense charged. The Dairy and Food Commissioner, or his deputy, or any person by him duly appointed for that purpose shall make complaint and cause proceedings to be commenced against any person for the violation of any of the laws relative to adulterated, misbranded or impure or unwholesome food, and in such case he shall not be obliged to furnish security for costs; and shall have power in the performance of his duties to enter into any creamery, factory, store, sales-room, drug store or laboratory, or place where he has reason to believe

food or drink are made, prepared, sold or offered for sale or exchange, and to open any cask, tub, jar, bottle or package containing or supposed to contain any article of food or drink, and examine or cause to be examined the contents thereof, and take therefrom samples for analysis. The person making such inspection shall take such sample of such article or product in the presence of at least one witness, and he shall in the presence of such witness mark or seal such sample and shall tender at the time of taking to the manufacturer or vendor of such produce, or to the person having the custody of the same, the value thereof, and a statement in writing of the reason for taking such sample. It shall also be the duty of the Dairy and Food Commissioner to formulate, publish and enforce such rules and regulations as may be necessary to enforce this act, and he shall adopt the rulings and standards for food, food products, beverages, drugs, etc., and the methods of analysis authorized as official by the United States Department of Agriculture or the National Food Commission in so far as they are applicable.

SEC. 58. *Seizure of adulterated articles.* If any person shall have in his possession or control any article or articles of adulterated or misbranded food or drugs contrary to the provisions of this act, he shall be held to have possession of property with intent to use it as a means of committing a public offense, and all the provisions of the chapter in the statutes of the State of Texas relating to search warrants and proceedings thereon shall apply, except the officer serving the warrant, in addition to his duties as therein required, shall deliver to the Food and Dairy Commissioner, or to the person by him authorized in writing to receive the same a perfect sample of each article seized by virtue of such warrant for the purpose of having the same analyzed, and forthwith return to the person from whom it was taken the remainder of each article seized. If any sample is found to be any character of adulterated or misbranded food, it shall be returned to and retained by the magistrate for the purposes contemplated in said chapter on search warrants, but if any sample be found not adulterated or misbranded food it may be returned to the owner or the value of the same shall be paid by the Food and Dairy Commissioner as a part of the expenses of his office to the person from whom it was taken.

SEC. 59. *Inspector may seize adulterated articles and analyze samples; prosecution.* The Commissioner, his deputy or any person by said Commissioner duly appointed for that purpose, is authorized at all times to seize and take possession of any and all food, drugs, drinks and dairy products, substitute thereof, or imitations thereof kept for sale, exposed for sale, exposed for exchange, held in possession or under the control of any person which in the opinion of the said Commissioner or his deputy, or such person by him duly appointed, shall be contrary to the provisions of this act or other laws which now exist or which may be hereafter enacted. First, the person so making such seizure as aforesaid shall take from such goods as seized a sample for the purpose of analysis, and shall cause the remainder thereof to be boxed and sealed and shall leave the same in the possession of the person from whom they were seized subject to such disposition as shall thereafter be made thereof according to the provisions of this act. Second, the person so making such a seizure shall forward the sample so taken to the Commissioner for analysis, who shall make an analysis of the same and shall certify the results of such analysis, which certificate shall be prima facie evidence of the fact or facts therein certified to in any court where the same shall be offered in evidence. Third, if upon such analysis it shall appear that said food, drugs or dairy products are adulterated, substitutes or imitations within the meaning of this act, said Commissioner or his deputy or any person by him duly authorized, may make complaint before any justice of the peace having jurisdiction where such goods were seized, and

thereupon said justice of the peace shall issue his summons to the person from whom said goods were seized, directing him to appear not less than six days nor more than ten days from the date of issuing of said summons and show cause why said goods should not be condemned and disposed of. If the said person from whom said goods were seized can not be found, said summons shall be served upon the persons then in possession of the goods. The said summons shall be served at least ten days before the time of appearance mentioned herein. If the person from whom said goods were seized can not be found and no one can be found in possession of said goods, and the defendants shall not appear on the return day, then said justice of the peace shall proceed in said cause in the same manner provided by the law where a writ of attachment is returned not personally served upon any of the defendants, and none of the defendants shall appear upon the return day. Fourth, unless cause to the contrary thereof is shown, or if said goods shall be found upon trial to be in violation of any of the provisions of this act or other laws which now exist, or which may be hereafter enacted, it shall be the duty of said justice of the peace to render judgment that said seized property be forfeited to the State of Texas, and that the said goods be destroyed or sold by the said Commissioner for any purpose other than to be used as food. The mode of procedure before said justice of the peace shall be the same, as near as may be, as in civil proceedings before justices of the peace. Either party may appeal to the county court as appeals are taken from justices courts, but it shall not be necessary for the State to give an appeal bond. Fifth, the proceeds arising from any such sale shall be paid into the State Treasury and credited to the general fund: *provided*, that if the owner or party claiming the property or goods so declared forfeited can produce and prove a written guaranty of purity signed by the wholesaler, jobber, manufacturer or other party from whom said articles were purchased, then the proceeds of the sale of such articles over and above the costs of seizure, forfeiture and sale shall be paid over to such owner or claimant to reimburse him to the extent of such surplus for his actual loss resulting from such seizure and forfeiture, as shown by the invoice. Sixth, it shall be the duty of each prosecuting attorney when called upon by said Commissioner or by any person by him authorized, as aforesaid, to render any legal assistance in his power in proceedings under the provisions of this act, or any subsequent act relative to the adulteration of food, for the sale of impure or unwholesome food or food products.

SEC. 60. *Certificates of purity unlawful.* It shall be unlawful for the Dairy and Food Commissioner or his deputy or assistants while they hold office to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold to them to be used as food, or in the preparation of food, drugs or drinks.

SEC. 61. *Annual report.* The Commissioner shall make an annual report to the Governor on or before the 31st day of August in each year, and which shall be printed and published, which report shall cover the entire work of his office for the preceding year, and shall show, among other things, the number of manufactories and other places inspected and by whom, the number of specimens of food articles analyzed, and the number of complaints entered against persons for the violation of the laws relative to the adulteration of food, drugs or drinks, the number of convictions had and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify.

SEC. 62. *Hindrance of inspector; penalty.* Any person who shall wilfully hinder or obstruct the Dairy and Food Commissioner, or his deputy or other

person or inspector by him duly authorized in the exercise of the powers conferred upon him by this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or both such fine and imprisonment.

SEC. 63. *Enforcement of act.* It shall be the duty of the Dairy and Food Commissioner of the State to investigate all complaints of violation of this act, and take all steps necessary to its enforcement. It shall be the duty of all prosecuting officers of this State to prosecute to completion all suits brought under the provisions of this act, upon the complaint of the Commissioner or any other citizen. It shall be the duty of all food inspectors to examine all complaints made to them of violations of this act, and to render assistance in enforcing its provisions. It shall be the duty of all city and county health officers to take cognizance of and report or prosecute all violations of this act which may be brought to their notice, or they may have cognizance of within their jurisdiction: provided, this act shall not apply before June 1, 1908, to goods on hand at the time of the passage of this act. *Provided*, that in the case of drugs the provisions of Section 3 of this act shall not apply to retail druggists as to goods on hand, purchased and received by them on or before June 1, 1907, where such goods were not purchased for the purpose of avoiding the provisions of this act, and where the labels on such goods bear a statement of the quantity or proportion of alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid,^a or any derivative or preparation of any such substance contained therein.

SEC. 64. *Effect.* Whereas, there is now no law regulating the sale of adulterated food, drugs and drinks, and defining adulteration and materials from which they are manufactured, on the statute books of Texas, creates a public demand that such a law should be placed upon the statute books, an emergency therefore exists that the rule requiring bills to be read on three several days be suspended, and that this bill be placed upon its final passage, and the rule is hereby suspended, and that this bill take effect and be enforced from and after its passage, and it is so enacted.

Approved March 23, 1907. General Laws of 1907, ch. 39, pp. 62-78.

ALCOHOLIC BEVERAGES.

SEC. 47. *Injurious ingredients prohibited.* No person shall within this State manufacture, brew, distil, have or offer for sale, or sell or exchange any spirituous, vinous, or fermented or malt liquor containing any substance or ingredient not healthful to exist in spirituous, vinous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage.

SEC. 48. *Adulterated and unbranded liquors prohibited; blends; penalty.* If any person shall adulterate any spirituous, vinous or alcoholic liquors used or intended for drink by mixing the same in the manufacture or preparation thereof or by process of rectifying or otherwise, with any deleterious drugs, substance or liquid which is poisonous or injurious to health, except as herein-after provided, or if any person shall sell, or offer to sell, or exchange, any wine, beer or other malt, spirituous, vinous or alcoholic liquors, or if any person in this State shall import into this State any wines, malt, spirituous, vinous or intoxicating liquors, and sell, or offer for sale or exchange such liquor, the same to be adulterated,^a or shall sell, or offer to sell or exchange any spirituous, vinous

^a So in Statutes.

or intoxicating liquors from any barrel, cask or other vessel containing the same, and not branded as hereinafter provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500 nor less than \$50, and shall be imprisoned in the jail of the county not more than six months nor less than ten days, provided that the mixture of harmless coloring or flavoring ingredients or pure distilled water with whisky, shall not be construed as an adulteration under this act; but such mixture shall be a blend, and any barrel, cask or other vessel containing any such mixture shall be branded or labeled "blend."

SEC. 49. *Labeling; proviso.* It shall be the duty of every person or persons engaged in the manufacture and sale of malt, spirituous, vinous or alcoholic liquors, or in blending or preparing the same in any way, to brand on each barrel, cask or other vessel containing the same the names or name of the persons, company or firm manufacturing, blending or preparing the same, and also these words, "containing nothing poisonous or deleterious to health;" *provided*, that each package of liquors sold shall have pasted, printed or written thereon a label showing whether said liquor is "blended" or "distilled."

SEC. 50. *Unbranded barrels, etc., prohibited.* No person shall sell at wholesale or retail any ale, rum, wine, or any other malt, spirituous, or vinous liquors from any barrel, cask, or vessel, unless the same shall be branded and marked as aforesaid.

SEC. 51. *Possession of poisonous, etc., liquor prima facie evidence.* If any barrel, cask or other vessel containing any drugged or poisonous liquor shall be found in the possession of any wholesale or retail dealer in liquor, or in the possession of any person holding himself out as such a dealer, it shall be deemed prima facie evidence of the violation of the provisions of this act.

Approved March 23, 1907. General Law of 1907, ch. 39, pp. 72-73.

BAKING POWDER.

SEC. 24. *Labeling; penalty.* Whoever manufactures for sale within this State, or offers or exposes for sale or exchange, or sells, any baking powder or compound intended for use as a baking powder under any name or title whatsoever shall securely affix or cause to be securely affixed to the outside of every box, can or package containing such baking powder or like mixture or compound, a label distinctly printed in plain capital letters in the English language, containing the name and residence of the manufacturer or dealer, and the ingredients of the baking powder, mixture or compound. Any person who violates any provision of this section shall be punished by a fine of not less than \$10 nor more than \$100 for each and every offense.

Approved March 23, 1907. General Law of 1907, ch. 39, p. 69.

CIDER.

SEC. 17. *Preservatives.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale or exchange cider not produced wholly from juice of the fruit, except that benzoate soda ^a to the usual and necessary amount which is necessary to preserve the same, and the percentage shall be plainly stated on the keg or other container. It shall further be unlawful for any person, firm or corporation to manufacture, sell, offer or expose for sale, any beverage containing cocaine.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 68.

^a So in Statutes.

COFFEE.

SEC. 14. *Imitation coffee; label.* No person shall manufacture or sell, or offer for sale or exchange any colored, manufactured or artificial coffee berry in imitation of the genuine berry. No person shall manufacture, sell or offer or expose for sale or exchange any ground or prepared coffee which is adulterated with chicory or other substance unless such package thereof shall be distinctly labeled or marked upon the principal label with words designating the substance of such compound, mixture or blend and the percentage thereof in such mixture or blend, together with the name and address of the manufacturer or compounder or dealer.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 14.

CONFECTIONERY.^a

SEC. 46. *Penalty for adulteration.* Any person manufacturing for sale or selling or offering to sell or exchange any candies or confectioneries adulterated by admixture of terra alba, barytes, talc or other earthy or mineral substances, or any poisonous colors, flavors or extracts or other deleterious ingredients detrimental to health, shall upon proper conviction thereof before a court of competent jurisdiction, be punished by a fine of not less than \$10 nor more than \$100, or imprisonment in the county jail not less than ten day nor more than thirty days, or both such fine and imprisonment.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 72.

DAIRY PRODUCTS.

SEC. 4. *Adulterated butter.* No person, by himself, or his agents or servants, shall manufacture for sale or offer or expose for sale, or sell or exchange as butter and the legitimate product of the dairy or creamery, any article not made exclusively of milk or cream, but into which the oil or fat of animals, or any other oil not produced from milk, enter as a component part, has been introduced to take the part of cream.

SEC. 5. *Process or renovated butter.* No person, firm or corporation shall manufacture for sale, offer or expose for sale, sell, exchange or deliver any butter that is produced by taking the original packing stock butter or other butter, or both, melting the same so that the butter fat can be drawn off or extracted, mixing said butter fat with skimmed cream or other milk product, or rechurning or reworking the said mixtures; nor shall any person, firm or corporation manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession for any such purpose any butter which has been subjected to any process by which it is melted, clarified or refined, and made to resemble butter, which is commonly known as boiled, process or renovated butter, and which for the purpose of this act is hereby designated "renovated butter," unless the same shall be branded or marked as provided in Section 6 of this act.

SEC. 6. *Labeling of renovated butter.* Whoever, himself or by his agent, or as the servant of another person, shall sell, expose for sale, or have in his custody and possession with the intent to sell or exchange any "renovated butter," as defined in Section 5 of this act, shall have the words "renovated butter" conspicuously stamped, labelled or marked in one or two lines and in plain Gothic letters, at least three-eighths of an inch square, so that the words can not be easily defaced, upon two sides of each and every tub, firkin, box or package containing said "renovated butter;" or, if such "renovated butter" is exposed or uncovered, or not in a case or package, a placard containing said words in the

^a See also General Food Laws, page 88.

same form as above described in this section shall be attached to the mass in such a manner as to be easily seen and read by the purchaser. When "renovated butter" is sold from such package or otherwise at retail, in roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the words "renovated butter" printed or stamped thereon in one or two lines and in plain Gothic letter at least three-eighths of an inch square, and such wrapper shall contain no other words or printing thereon, and said words "renovated butter" so stamped or printed on said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

SEC. 7. *Penalty.* Whoever shall violate Sections 4, 5 and 6 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment, for each and every offense. And each violation of this act shall constitute a separate offense.

SEC. 8. *Cheese.* No person shall manufacture, deal in, sell, offer or expose for sale or exchange any article or substance in the semblance of or in imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal or offal fats or oils or melted butter in any condition or state of modification of the same or oleaginous substances of any kind not produced from unadulterated milk or cream shall have been introduced. Every manufacturer of full milk cheese or wholesaler or retailer in cheese shall put a brand upon each cheese, indicating "full milk cheese," and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. Cheese of any other grade may be sold, provided it contains nothing injurious to health, and provided that the same shall be plainly and conspicuously labeled or stenciled "imitation cheese." No person shall knowingly offer, sell or expose for sale or exchange, in any package, cheese which is falsely branded or labeled. Whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 and the costs of prosecution, or by imprisonment in the county jail for not less than ninety days nor more than one year, or by both such fine and imprisonment for each and every offense.

SEC. 35. *Impure milk and milk from unclean cows prohibited.* It shall be unlawful for any person, either by himself or agent, to sell or expose for sale or exchange within the State of Texas any unwholesome, watered, adulterated or impure milk, or swill milk or colostrum, or milk from cows kept upon garbage, swill or any other substance in a state of fermentation or putrefaction or other deleterious substances, or from cows kept in connection with any family in which there are infectious diseases. The addition of water or ice to milk is hereby declared an adulteration.

SEC. 36. *Hindrance of inspector.* Each and every quantity of milk sold or exposed for sale or exchange contrary to the provisions of this act shall constitute a separate offense. Any person who shall refuse to permit the said Dairy and Food Commissioner, or his assistant (or assistants), to perform his duty under this act, either by refusing him entrance to his premises, or by concealing any milk, or refusing to permit any animal or milk on premises wherein the animals are kept, to be viewed and inspected as herein provided, or by in any manner hindering or resisting any said inspector or assistant inspector in the performance of his duty, shall be guilty of a misdemeanor, and punished therefor.

SEC. 37. *Penalty for selling impure milk.* Whoever shall adulterate by himself, or by his servant or agent, or sell, exchange or deliver, or have in his custody or possession with intent to sell or exchange the same, or expose or offer for sale, adulterated milk or milk to which water or any foreign substance or substances in any state of fermentation or putrefaction, or from sick or diseased cows, shall be guilty of a misdemeanor, and shall, for every offense, be punished by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding three months.

SEC. 38. *Skimmed milk is not pure milk; penalty.* Whoever shall adulterate, himself or by his agent or servant, sell, exchange or deliver, or have in his custody or possession with intent to sell or exchange the same, or expose or offer for sale or deliver as pure milk, any skimmed milk from which the cream or any part thereof has been removed, shall be guilty of a misdemeanor, and shall, for such offense, be punished by the penalty provided in the preceding section.

SEC. 39. *Milk below standard must be so labeled; penalty.* Any dealer in milk who shall by himself, servant or agent, sell, exchange, or deliver, or have in his custody or possession with intent to sell, exchange or deliver the same, milk from which the fat has been removed so as to reduce same below the requirements of Section 40 of this act, unless in a conspicuous ^a above the center upon the outside of every vessel, can or package from which any such milk is sold, the words "skimmed milk," are distinctly painted in letters not less than one inch in length, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding three months.

SEC. 40. *Standard.* If milk sold or offered for sale under the provisions of this act as pure milk is shown upon analysis by weight to contain more than eighty-seven and five one-hundredths per centum of watery fluid, or to contain less than twelve and fifty one-hundredths of milk solids per centum, or less fat than three per centum, or if the gravity of 60 degrees Fahrenheit, is not between 1 29-1000 to 1 33-1000, it shall be deemed to be adulterated. If milk sold or offered for sale under the provisions of this act as skimmed milk has a gravity of 60 degrees, Fahrenheit, less than 1.032, and greater than 1.037, it shall be deemed to be adulterated.

SEC. 41. *Analysis of samples; evidence of guilt.* Whenever the Dairy and Food Commissioner, or his assistants, has reason to believe that any milk found by him is adulterated, he shall take specimens thereof and test the same with such instruments as are used for such purpose, and he shall make an analysis thereof, showing total solids, the percentage of butter, the percentage of water and the percentage of ash; and if the result of such test and analysis indicates that the milk has been adulterated or deprived of its fat below the requirements of Section 40 of this act, the same shall be prima facie evidence of such adulteration in a prosecution under this act.

SEC. 42. *Milk inspection.* Authority is hereby given the common council of any city or town to appoint an inspector of milk in any such city or town and to fix his compensation, and when appointed the said inspector of milk shall have all the powers given by Section 57 of this act, and shall perform all the duties required of inspectors of milk as provided herein, and such other powers and duties as may be conferred or imposed by the ordinances of said cities or towns.

SEC. 43. *Skimming or adulterating milk prohibited; penalty.* Any person who shall remove the cream or any part thereof from milk, to be sold as pure

^a So in Statutes.

milk, to any factory in which milk is used as a material in the process of production, and any person who shall, in any manner, adulterate such milk, either by addition of water or otherwise, shall be guilty of a misdemeanor, and shall for every such offense be punished by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding ninety days.

SEC. 44. *Preservatives; "milk" defined.* No person shall offer for sale, sell, exchange or deliver or have in his possession with intent to sell, exchange or deliver, any milk to which water, chemicals or preservatives, or any other foreign substance has been added. The term "milk" as used in this act shall include all milk, cream or milk in its natural state as drawn from the cow.

SEC. 45. *Penalty.* Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things enjoined by Section 44 of this act, or in any way violate any of its provisions shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment.

Approved March 23, 1907. General Laws of 1907, ch. 39, pp. 64-72.

EXTRACTS.

SEC. 18. *Labeling.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale or exchange as extracts, flavorings^a which are not made from the natural fruit, unless same are labeled "imitation." *Provided*, that the word "imitation" must immediately precede the name of the flavoring and in type the same size and style. Such flavorings shall be free from coloring matter deleterious to health.

SEC. 20. *Standard for lemon.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale any extract of lemon, essence of lemon or spirits of lemon, containing less than 5 per cent of pure oil of lemon dissolved in ethyl alcohol, or to which has been added any artificial coloring matter other than that derived from lemon peel. Any preparation containing less than 5 per cent of lemon oil dissolved in ethyl alcohol may be sold if labeled "imitation lemon extract." *Provided*, that the word "imitation" is in no smaller type than the name of the article, and said preparation shall contain no added coloring matter that is injurious to health.

SEC. 21. *Standard for vanilla.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale or exchange, extract of vanilla, essence of vanilla or spirits of vanilla, not wholly made from the extractive matter of vanilla beans.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 68.

FISH.

SEC. 27. *Penalty for adding preservatives to sea food.* It shall be unlawful for any corporation, firm or person, either in person or by an agent, to sell or expose for sale, within the State of Texas, any oysters, clams or other sea food product to which salicylic^a acid, formaldehyde or any drug or other preservative has been added or in preserving which any poisonous or deleterious substance has been used, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$5 nor more than \$100, or by imprisonment in the county jail for a period of not more than ninety days, or by both such fine and imprisonment.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 69.

^a So in Statutes.

FLOUR.

SEC. 29. *Labeling.* Within this State no person shall manufacture or offer or expose for sale, keep in possession with intent to sell, sell or exchange any flour containing any product of corn, rice or other foreign substance, unless each and every package thereof be distinctly and legibly branded or labeled "flour compound," in letters not less than one-half inch in length and be followed with the name of the maker and mill, and the location of such flouring mill.

SEC. 30. *Evidence of guilt.* The having in possession of any "flour compound," or "meal compound," which is not branded or labeled as hereinbefore required and directed upon the part of any person engaged in the public or private sale of such article, shall, for the purpose of this act, be deemed prima facie evidence of intent to sell the same.

SEC. 31. *Contracts equivalent to sales.* The taking of orders or the making of agreements or contracts by any person, firm or corporation, or by an agent or representative thereof for the future delivery of any flour compound or meal compound shall be deemed a sale within the meaning of this act.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 70.

HONEY.

SEC. 19. *"Imitation" honey to be labeled.* It shall be unlawful for any person to sell, offer or expose for sale or exchange any honey which has not been wholly made by bees from the natural secretions of flowers and plants, unless the same is labeled "imitation," and contains nothing that is injurious to health.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 68.

LARD.

SEC. 9. *Labeling.* The provisions of this act shall not apply to substances for sale in this State made in the semblance of lard, if the ingredients or component part shall consist of pure lard, beef fat or pure stearine and cotton seed oil that is at least 1 per cent of the legitimate and exclusive fat of the hog, or pure lard, pure stearine, or beef fat and 99 per cent of pure cotton seed oil, and the tierce, barrel, tub, pail or package containing the same is distinctly and legibly branded, marked or labeled "lard compound" or "compound lard" or "lard substitute," in letters proportioned to the size of the package, and if such mixture contain any other substance than pure lard, pure stearine or beef fat or pure cotton seed oil, then the person or corporation so manufacturing shall cause the tierce, barrel, tub, pail or package containing same to be distinctly and legibly branded, marked or labeled "adulterated lard." The term "lard compound," or "compound lard," as used herein, shall include all articles of food used as lard or made in the semblance of lard, which shall be composed of two or more ingredients, or component parts consisting of either cotton seed oil, pure lard or hog lard, beef fat or pure stearine, the percentage of either of the two or more ingredients used to be in the discretion of the manufacturer. The term "lard substitute," as used herein, shall apply to any compound which may consist of two or more of the aforesaid ingredients or of cotton seed oil alone. Neither shall the provisions of this act apply to mixtures or compounds consisting of mixtures of beef suet, beef fat or pure stearine and cotton seed oil, or of cotton seed oil alone, when said mixtures or compounds used as ordinary articles of food, or "cooking compound," are manufactured and sold under their proper trade mark and when the tierce, barrel, tub, pail

or package containing the same shall be distinctly and legibly branded or labeled in letters proportioned to the size of the package, with the name of the mixture or compound and the name and location of the person, firm or corporation manufacturing the same.

SEC. 10. *Lettering of labels.* Every manufacturer, dealer or trader, who, by himself or agent, or as the servant or agent of another person, offers or exposes for sale, or sells or exchanges any form of lard substitute or adulterated lard, as hereinbefore defined, shall securely fix or cause to be affixed to the package wherein the same is contained, offered for sale, or sold, a label, upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length, the words, "lard substitute," or "adulterated lard," or "lard compound," or other appropriate words which shall correctly express its nature and use.

SEC. 11. *Evidence of guilt.* The having in possession of any lard substitute or adulterated lard or compound, as hereinbefore defined, which is not branded or labeled as hereinbefore required or directed, upon the part of any manufacturer, trader or dealer, or any person engaged in the sale of such articles, shall for the purpose of this act be deemed prima facie evidence of intent to sell or exchange the same.

Approved March 23, 1907. General Laws of 1907, ch. 39, pp. 66-67.

MEAT.

SEC. 23. *Penalty for violation of provision.* Every dealer or peddler in slaughtered fresh meats, fish, fowl or game for human food, at wholesale or retail, in the transportation of such food from place to place to customers shall protect the same from dust, flies and other vermin or substances which may injuriously affect it, by securely covering it while being so transported. Every violation of the foregoing provisions shall be a misdemeanor, punishable by a fine of not less than \$10 or by imprisonment in the county jail for not less than ten days.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 69.

PRESERVED FRUIT AND VEGETABLES.

SEC. 12. *Standard for jellies, etc.; labeling; penalty for violation.* No person, firm or corporation in this State shall manufacture for sale, or sell, or offer or expose for sale or exchange, as fruit preserves, fruit jelly or fruit butter, any jelly, preserves or imitation fruit butter or other similar fruit compound made or composed in whole or in part of glucose, dextrine, starch or other deleterious substance, and colored in imitation of fruit jelly, preserves or fruit butter. Such compounds may be manufactured and sold or offered for sale, *provided* the coloring used shall not be injurious to health, nor shall any such jelly, fruit butter or compound be manufactured or sold, or offered for sale, under any name or designation whatever unless the same shall be composed entirely of ingredients not injurious to health, and shall not be colored in imitation of fruit jelly, provided the coloring shall not be injurious to health, and every can, pail or package of jelly, preserves or butter sold in this State shall be distinctly and durably labeled "imitation fruit jelly," or "imitation fruit preserves" or "imitation fruit butter," with the name of the manufacturer or dealer and the place where made. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and when convicted thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not less than ninety days nor more than one year, or by both such fine and imprisonment.

SEC. 13. *Standard for preserved fruits and vegetables; labels.* No packer or dealer in preserved or canned fruits and vegetables or other articles of food shall sell or offer for sale or exchange such canned articles, unless such articles shall be entirely free from substances or ingredients deleterious to health, and unless such articles bear a mark, stamp, brand or label bearing the name and address of the firm, person or corporation that packs the same or the dealer who sells the same. All "soaked or bleached goods," or goods put up from products dried before canning, shall be plainly marked, branded, stamped or labeled as such, with the words "soaked or bleached goods," in letters not less than twenty-four points in size, showing the name of the article and the name and address of the packer or dealer.

Approved March 23, 1907. General Law of 1907, ch. 39, p. 67.

SIRUPS.

SEC. 15. *Labeling.* No person shall offer or expose for sale, have in his possession with intent to sell or exchange any adulterated or mixed molasses, sorghum syrup, maple syrup or glucose, unless the barrel, cask, keg, can, pail or other vessel containing same be distinctly branded or labeled upon the principal label with the compound of, naming the substance of such compound or mixture and its percentage. Such barrel, cask, keg, can, pail or other vessel shall be branded or labeled in a conspicuous place; and such brands or labels shall be in letters or not less than eight point brevier.

Approved March 23, 1907. General Laws of 1907, ch. 39, pp. 67-68.

SPICES AND CONDIMENTS.

SEC. 22. *Adulteration; proviso; terms defined.* It shall be unlawful for any person to manufacture, sell, offer or expose for sale or exchange to the residents of this State any spices and condiments, either ground or unground, which are adulterated with any foreign substance or substances within the meaning of this article, which are injurious to health, and provided that where foreign substances are used, the package containing said article when offered for sale shall contain to ^a word "compound." The term "spices and condiments," as used herein shall embrace all substances known and recognized in commerce as spices and used as condiments, whether the same be in their natural state or in the form which would result from grinding, milling or mixing, or the compounding of the natural product.

Approved March 23, 1907. General Laws of 1907, ch. 39, pp. 68-69.

VINEGAR.

SEC. 32. *Standard.* It shall be unlawful for any person to manufacture, sell, or offer for sale or exchange any vinegar that does not contain at least 4 1-2 per cent, by weight, of absolute acetic acid, or which contains any preparation of copper, lead, sulphuric acid or other injurious ingredients, or any artificial coloring matter; and in the case of apple or cider vinegar it shall contain not less than 2 per cent, by weight, of cider vinegar solids, and be the legitimate product of apple juice. *Provided*, that vinegar may be colored with harmless sugar color.

SEC. 33. *Branding; standard.* All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vine-

^a So in Statutes.

gar," with the name of the fruit or substance from which it is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all such distilled vinegar shall be free from coloring matter added during or after distillation and from color other than pure sugar coloring or that imparted to it by distillation. And all fermented vinegar not distilled shall contain not less than three-fourths per cent, by weight, upon full evaporation (at the temperature of boiling water) of solids contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than 4 per cent, by weight, of absolute acetic acid.

SEC. 34. *Injurious ingredients prohibited.* No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell or exchange any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be marked, stenciled or branded on the head of the cask, barrel, keg or upon the receptacle containing such vinegar with the name and residence of manufacturer or dealer, together with brand required in Section 33 hereof.

Approved March 23, 1907. General Laws of 1907, ch. 39, p. 70.

UTAH.

GENERAL FOOD LAWS.

SEC. 1. *Dairy and food commissioner appointment; term; compensation.* The office of Dairy and Food Commissioner for the State of Utah is hereby created. Such Commissioner shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for two years from the date of his appointment, and vacancies occurring in the office for any cause shall be filled by appointment for the balance of the unexpired term. The salary of the Commissioner shall be \$1,500 per annum, together with his necessary and actual expenses incurred in the discharge of his official duty, which shall be paid in the same manner as other State officers.

SEC. 2. *Duty of commissioner.* It shall be the duty of the Commissioner, and he is hereby invested with the powers to enforce all laws that now exist or that may hereafter be enacted in this State, regarding the production, manufacture or sale of dairy and creamery products, or the adulteration of any article of food, and regarding the use of skimmed or adulterated milk, and the feeding of unwholesome food to cattle and the keeping of cattle having infectious or contagious diseases; and said Commissioner shall personally, or by his deputy, inspect any article of food made or offered for sale within this State, which he may suspect or have reason to believe is impure, unhealthy, adulterated, or counterfeit. He shall also visit and inspect the various dairies, cheese and butter factories of the State, and shall have power to enforce proper sanitary regulations in their management and surroundings. Said Commissioner shall personally, or by his deputy, when complaint is made of the violation of any law relating to the feeding of any unwholesome food for cattle or keeping upon the premises any cattle afflicted with any contagious or infectious diseases, immediately investigate said charge, and may prosecute any person, firm or corporation violating any of the laws of this State, which it is the duty of said Commissioner to enforce.

SEC. 3. *Right of access for inspection; hindrance of inspector.* The said Commissioner, deputy commissioner and such inspectors, agents, chemists and counsel as shall be duly authorized for the purpose, shall have access, ingress and egress to and from all places of business, factories, farms, buildings, carriages and cars used in the manufacture, transportation or sale of any article of food as defined in this act, and also into restaurants, dining halls, cafes, hotels and all rooms thereof, and all other places where food is prepared, stored or served to patrons. They shall also have power and authority to open any package, can or vessel containing or supposed to contain any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this act or other laws of this State, and may inspect the contents thereof, and may take samples therefrom for analysis. All dealers, clerks, bookkeepers, express agents, railroad officials, employees or common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or discovering the presence of any article prohibited by law, and in securing samples thereof as herein pro-

vided for. Any refusal or neglect on the part of such dealers, clerks, book-keepers, express agents, railroad officials, employees or common carriers to render such friendly aid, or to furnish such sample for analysis, as provided for in this section, shall be deemed a misdemeanor and shall be punished as hereinafter provided.

SEC. 4. *Sampling; proviso.* The person taking such sample, as provided for in this act, shall mark or seal such sample with a paper seal or otherwise, and shall write his name thereon and number said sample so as to properly identify the same, and shall tender to the manufacturer or vendor of such article or product, or the person in whose control or possession such article or product may be at the time the same is taken, the value thereof; but if the person from whom such sample is taken shall request him to do so, he shall at the same time and in the presence of the person from whom the same is taken, seal with proper seals or otherwise two samples of the article taken, on each of which said samples, or on the seals placed thereon, shall be placed the name of the person taking said sample and also the number above provided for, the one of which sample shall be delivered to the person from whom the same is taken, and the other shall be taken by the person so procuring the same to the State Chemist or other competent person appointed for the purpose of making examinations or analysis of samples so taken; *Provided*, that the person procuring said sample may securely pack and box said sample and send the same to the State Chemist, or other competent person appointed hereunder for the purpose of making examinations or analysis of samples, and his testimony that he did procure the samples and that he sealed and numbered the same as herein provided, and that he wrote his name thereon and that he packed and boxed said sample and sent the same to the State Chemist or other competent person appointed hereunder to analyze such sample, and the testimony of the person to whom said sample is addressed that he received said box or package in apparent good order; that said sample was sealed and that the number and name of the sender, as herein provided for, was on said sample, and that the seal at the time the same was received was unbroken, shall be prima facie evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such prima facie proof.

SEC. 5. *Standards of the U. S. adopted.* The standards of quality, purity, and strength for foods, liquors, and drinks that have been or shall be adopted by the U. S. Department of Agriculture, are hereby declared to be the standards of purity, quality and strength of foods, liquors and drinks in the State of Utah, except where otherwise specified.

SEC. 6. *Adulterated or misbranded food or drink unlawful.* No person, firm or corporate body shall, within the State, manufacture for sale, offer for sale, have in possession with intent to sell, or sell any adulterated or misbranded article of food or substance to be used in the manner of food or drink.

SEC. 7. *Definition of "food."* The term "food," as used in this act, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound.

SEC. 8. *Adulteration defined; proviso.* For the purpose of this act an article shall be deemed to be adulterated:

In the case of foods—

First.—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second.—If any substance has been substituted wholly or in part for the article.

Third.—If any valuable constituent of the article has been wholly or in part abstracted.

Fourth.—If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth.—If it contain any added substance or ingredient that is poisonous or injurious to health.

Sixth.—If it contain any added antiseptic or preservative substance except common table salt, salt-peter, cane or beet sugar, vinegar, spices or wood smoke. *Provided*, that when in the preparation of food products for shipment they are preserved by any external application applied in such a manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when (the) said products are ready for consumption. And furthermore, the provisions of this act shall not apply to the addition of not more than one-tenth of one per cent of benzoate of soda in the case of cider, tomato catsup, fruit jams, jellies or preserves, or such other perishable articles of food or drink as the State Food^a Inspector may from time to time determine cannot be successfully marketed without such addition, the presence and percentage of which said benzoate of soda shall in every case be stated upon the label of the said cider, tomato catsup, fruit jams, jellies or preserves, or other article hereafter determined, in type as large or larger than eight point caps; *Provided*, that in case the size of the package will not admit of the use of eight point cap type, the size of the type may be reduced proportionately.

Seventh.—If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of any animal unfit for food, whether manufactured or not, or if it is a product of a diseased animal, or one that has died otherwise than by slaughter.

Eighth.—If it be sweetened by saccharine or other artificial sweetening.

In the case of confectionery—

If it contains terra alba, barytes, talc, chrome yellow, paraffine,^a or other mineral substance or poisonous flavor or color, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor, or compound or narcotic drug.

SEC. 9. "*Misbranded*" defined; *provisos*. The term "*misbranded*," as used herein, shall apply to all articles of food, or articles which enter into the composition of foods, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

That for the purposes of this act an article shall be deemed to be misbranded:

In the case of foods—

First.—If it be an imitation of or offered for sale under the distinctive name of another article.

Second.—If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

^a So in Statutes.

Third.—If in package form, and the contents are stated in terms of weight or measure, they are not correctly stated on the outside of the package.

Fourth.—If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients, or the substances contained therein, which statement, design or device shall be false or misleading in any particular. *Provided*, that an article of food that does not contain any added poisonous or deleterious ingredients shall not be deemed to be misbranded or adulterated in the following cases:

First.—In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of, or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second.—In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "Blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, that the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring only. And *Provided Further*, that nothing in this act shall be construed as requiring manufacturers or proprietors of proprietary foods which shall contain no unwholesome added ingredient, to disclose trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 38. *Sanitation of restaurants, hotels, etc.* Whenever it is determined by the Dairy Food Commissioner, his deputy or inspectors, that filthy or insanitary conditions exist or are permitted to exist in the operation of any restaurant, hotel, bakery, confectioner,^a or ice cream plant, or any place where any food or drink products are manufactured, stored, deposited, sold or offered for sale for any purpose whatever, the proprietor or proprietors, owner or owners, of such restaurant, hotel, bakery, confectionery or ice cream plant or any person or persons owning or operating any plant where food or drink products are manufactured, stored, deposited, sold or offered for sale, shall be first notified and warned by the Commissioner, his deputy or inspectors to place such restaurant, hotel, bakery, confectionery or ice cream plant, or any other place where food or drink products are manufactured, stored, deposited, sold or offered for sale in a sanitary condition, within a reasonable length of time; and any person or persons owning or operating^a any such restaurant, hotel, bakery, confectionery or ice cream plant, or any place where any food or drink products are manufactured, stored, deposited, sold or offered for sale, failing to obey such notice and warning shall be guilty of a misdemeanor. "It shall be unlawful for any person affected with tuberculosis, syphilis, or any communicable disease to be employed in any bakery, hotel or restaurant as cook or waiter or in any other capacity which requires the handling of food."

SEC. 39. *Duty of county attorney; disposal of fines.* It shall be the duty of the county attorney in any county of the State, when called upon by the Commissioner, to render any legal assistance in his power to execute the laws, and to prosecute cases arising under the provisions of this act: and all fines and assessments collected in any prosecution begun or caused to be begun by said Commissioner shall be paid into the State Treasury.

SEC. 40. *Commissioner's report.* Said Commissioner shall make a biennial report to the Governor, which shall contain an itemized account of all expenses

^a So in Statutes.

incurred and fines collected, with such statistics and other information as he may regard of value.

SEC. 41. *Defacing of labels, etc., prohibited.* Whoever shall deface, change, erase or remove any mark, label or brand provided for by this act with intent to mislead, deceive or to violate any of the provisions of this act, shall be held liable to the penalties of this act.

SEC. 42. *Violation of act, a misdemeanor; fine; confiscation.* Any person who shall violate any provision of this act, or who shall misbrand any package containing any article of food, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars. Any article of food found in his possession, in violation of any provision of this act shall be subject to confiscation and spoilation.^a

SEC. 43. *Exemption under guaranty.* No dealer of food or drink products shall be held liable to prosecution if he can establish that the goods were sold under a guaranty by a wholesaler, manufacturer, jobber, dealer, or other party residing in the United States from whom purchased.

SEC. 44. *Repeal.* That Chapter 25 of the Laws of Utah 1903, is hereby repealed.

SEC. 45. *Sale of unwholesome food or drink unlawful.* "It shall be unlawful for any person to sell, or offer for sale, or have in his possession with intent to sell any article of food that has become tainted, decayed, spoiled, or is otherwise unwholesome or unfit to be eaten or drunk."

Approved March 25, 1907. Laws of 1907, ch. 153, pp. 230-243.

ALCOHOLIC BEVERAGES.

SEC. 12. *Addition of deleterious substances prohibited.* No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful or not normally existing in spirituous, fermented or malt liquor, and shall be deemed to be deleterious or detrimental to health, when contained in such liquors to-wit:

Cocculus,^a indicus, chloride of sodium, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, daniel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compound of any of the above drugs, substances or ingredients, and any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

Approved March 25, 1907. Laws of 1907, ch. 153, p. 235.

BAKING POWDER.

SEC. 13. *Standard.* No person by himself, his servant, or his agent, or as the servant of any other person, shall first, make or manufacture baking powder or any other mixture or compound intended for use as baking powder; second, or sell, exchange, deliver, or offer for sale, or exchange, such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten (10) per cent available carbon dioxide, and un-

^a So in Statutes.

less the common commercial names of all the ingredients be printed on the label.

Approved March 25, 1907. Laws of 1907, ch. 153, p. 236.

CONFECTIONERY.

See General Food Law, page 106.

DAIRY PRODUCTS.

SEC. 1. *Labeling.* On each package of butter manufactured and offered or exposed for sale in the State of Utah, there shall be stamped upon the wrapper or package the name of the maker thereof, with address of same, and the actual number of ounces contained in said wrapper or package at the time of its manufacture.

SEC. 2. *Sale of unlabeled butter prohibited.* Any person, firm or corporation who offers to sell, or furnish, or deliver for sale any butter, unless marked as above specified, shall be deemed guilty of a misdemeanor.

Approved March 14, 1907. Laws of 1907, ch. 99, p. 118.

SEC. 14. *Standard for whole milk.* Milk must be whole milk and must contain not less than three and two-tenths per cent of fat and twelve per cent solids. Milk from which cream has been removed must be labeled and sold as "Skim Milk." The sale of milk which is impure, unwholesome, or adulterated, or from cows which are diseased, or fed upon the refuse of a distillery or brewery, or upon any substance deleterious to the quality of the milk, such as garbage, swill or any substance in a state of putrefaction, is prohibited. The addition of coloring matter or preservatives to milk is prohibited.

SEC. 15. *Labeling of skimmed milk.* No person shall sell, exchange, deliver or have in his custody or possession with intent to sell, exchange, or delivery,^a milk from which the cream or any part thereof has been removed, unless in a conspicuous place, above the centre, upon the outside of every vessel, can or package from or in which milk is sold, the words "Skimmed Milk" are distinctly marked in uncondensed Gothic letters, each not less than one inch in height. Such skimmed milk shall not contain less than nine per cent of milk solids, exclusive of fats. No person shall sell, exchange or deliver or have in his custody or possession with intent to sell, exchange or deliver any evaporated milk which has been diluted to represent the proportions of natural milk unless in a conspicuous place above the centre, upon the outside of every vessel, can or package or in which such milk is sold, the words "Diluted, evaporated milk," are distinctly marked in extended Gothic letters, each not less than one inch in height."^a

SEC. 16. *The standards for cream; proviso.* Proofs of adulterations and skimming may be made with such standard tests and lactometers as are used to determine the quality of milk, or by chemical analysis. Cream of standard purity shall be cream produced from normal milk, free from all kinds of additions. "There shall be recognized three standards of percentage of cream—known as first, second and third grades. The minimum percentage of the first grade shall be not less than thirty (30) per cent. The minimum percentage of the second grade shall be not less than twenty-four (24) per cent. The minimum percentage of the third grade shall be not less than eighteen (18) per cent." *Provided*, that no person shall sell cream containing a less percentage of butter than is represented. The sale of cream other than in conformity with the foregoing standard is prohibited.

^a So in Statutes.

SEC. 17. *Chemical preservatives forbidden; viscogen permitted if so labeled; harmless coloring matter permitted.* No person shall sell, or offer for sale, consign, or have in his possession with intent to sell or otherwise dispose of to any person, any milk, cream, butter, cheese, or other dairy products, or shall deliver to any creamery or cheese factory milk or cream to be manufactured into butter or cheese, to which boracic acid, formaldehyde, salicylic acid, viscogen, or compounds containing them, or any antiseptics, have been added. "Provided, that the selling of cream containing viscogen shall not be prohibited if labeled 'Visco Cream.'" Butter of standard purity shall be butter made from normal milk or cream, free from all kinds of addition, except salt and harmless coloring matter, and shall contain not less than eighty per cent of butter fat.

SEC. 18. *Sale of milk from diseased cows prohibited; diseased cattle to be killed.* No person selling, or exchanging, furnishing or delivering milk or dairy products shall have in his possession, at any place where milch cows are kept, any cattle having tuberculosis, or other infectious or contagious disease. It shall be the duty of the Dairy and Food Commissioner of this State, in case he shall find that cattle are kept in violation of the provisions of this act, to cause all such cattle having any contagious or infectious disease to be killed.

SEC. 19. *Added fat prohibited.* No person shall manufacture, or shall buy, sell, offer, ship, consign, expose, or have in his possession for sale, any cheese manufactured from or by the use of skimmed milk to which there has been added any fat which is foreign to such milk.

SEC. 20. *Skimmed milk cheese.* No person shall manufacture, or shall buy, offer, sell, ship, consign, expose, or have in his possession for sale, within this State, any skimmed milk cheese, or cheese manufactured from milk from which any of the fats originally contained therein have been removed, except such cheese be not less than nine, nor more than eleven inches in diameter, and not less than nine inches in height.

SEC. 21. *Inspection of cans; brand; penalty.* All premises, cans, bottles and utensils, employed or used, in the production, transportation, sale or delivery of milk or cream for consumption, or employed or used in the manufacture or sale of any food products, shall be kept in a clean and sanitary condition, and no person shall sell, offer for sale, or have in his possession with intent to sell, any milk, cream or other food product, not manufactured, transported and offered for sale under such clean and sanitary conditions. The commissioner, or other person duly appointed by him, shall have power, when inspecting such cans, bottles and utensils used in the production, transportation, manufacture or sale of milk, cream or other food product, to order the use of any such can, bottle, or other utensil, which is in an unclean or insanitary condition, discontinued until such can, bottle or other utensil be thoroughly cleaned and put in sanitary condition; and such person so inspecting such cans, bottles and other utensils, shall have power to brand, mark or tag such can, bottle or other utensil with the words, "This (can, bottle or utensil) is unfit to contain (human food, milk or cream)" as the case may be; and any person who shall erase, change, remove, conceal or obliterate any such brand, mark or tag, except for the purpose of properly cleaning and putting such can, vessel or utensil in a sanitary condition, shall be guilty of a misdemeanor and be subject to the penalties hereinafter provided.

SEC. 22. *Cans to be thoroughly cleansed and aired.* Any person, firm or corporation who receives any milk or cream in cans, bottles or vessels which have been transported over any railroad where such cans, bottles or vessels are to be returned, shall cause the said bottles or vessels to be immediately washed and thoroughly cleansed and aired.

SEC. 23. *Sale of unwholesome milk prohibited.* No person, firm or corporation shall keep cows for the production of milk in a crowded condition, or in stables which are not properly ventilated, or which are filthy from an accumulation of animal refuse or from any other cause. Nor shall milk for food purposes be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis, running sores, or any other form of disease, or from cows which are fed either wholly or in part upon distillery waste, or brewery grains, or the waste of vinegar, or that of sugar factories, not properly dried, or upon any other form of food which will produce milk which is unhealthful or unwholesome, or from cows within fifteen days before and five days after parturition; and all milk thus produced is hereby declared to be unclean, impure, unhealthful and unwholesome milk, and any milk to which water or any other foreign substance has been added, or from which any part of the milk commonly known as "strippings" has been withheld, or which has been deprived either wholly or in part of any constituent naturally or normally contained in milk is hereby declared to be adulterated milk. This section shall not be construed to prevent the feeding of ensilage from silos. The having in possession by any person, firm or corporation producing milk for market, or for sale or exchange, or for manufacturing the same into articles of food, or distillery waste or brewery grains, or the waste of vinegar, or that of sugar factories not dried as aforesaid, or any other form of food which will produce milk which is unhealthful or unwholesome, shall be considered for the purpose of this act as prima facie evidence of an intent to use the same contrary to the provisions of this act.

SEC. 24. *Milk contaminated by communicable disease.* The sale of milk from cows kept upon the premises occupied by a family in which there is a contagious disease is prohibited, and no milk from such cows shall be sold or otherwise disposed of to any person until a permit shall be granted by the Dairy and Food Commissioner or his deputy, which permit shall be issued only after the said Dairy and Food Commissioner or his deputy shall receive a certificate from the Board of Health or Health Officer, stating that the premises have also been disinfected, and in case of typhoid fever that the privy or cess-pool has also been disinfected.

SEC. 25. *Food manufactured from impure milk prohibited.* No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

SEC. 26. *Sale of milk containing foreign fat prohibited.* No person shall render or manufacture, sell, ship, consign, offer for sale, expose for sale, take orders for the future delivery of, or have in his possession with intent to sell, any article, product or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk, or cream from the same, and without the admixture or addition of any fat foreign to said milk or cream, which shall be an imitation of yellow butter, produced from pure, unadulterated milk or cream of the same with or without coloring matter; *Provided*, that nothing in this title shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, but it must be free from coloration or ingredients that cause it to look like butter, and free from any word, brand or marking, either upon the package or upon any wrapper or upon the contents of the same, which would in any wise tend to deceive the purchaser, or consumer.

SEC. 27. *Sale of oleomargarine as butter unlawful.* It shall be unlawful for any person to sell, or offer for sale, to any person who asks, sends, or inquires

for butter, any oleomargarine, butterine, or any substance made in imitation or semblance of pure butter, and not made entirely from the milk of cows, with or without coloring matter.

SEC. 28. *Labeling of "oleomargarine" and "butterine."* It shall be unlawful for any person to expose for sale oleomargarine, butterine or any similar substance, not marked and distinguished on the outside of each tub, package or parcel thereof by a placard with the word "Oleomargarine" or "Butterine," and not having also upon the exposed contents of every open tub, package or parcel thereof a conspicuous placard with the word "Oleomargarine" or "Butterine." Such placard in each case to be printed in plain, uncondensed Gothic letters not less than one inch long, and to contain no other words thereon.

SEC. 29. *Stores, etc., selling oleomargarine must display sign.* It shall be the duty of every person who sells oleomargarine, butterine, or any similar substance from any dwelling, store, office or public market, to have conspicuously posted thereon the placard or sign in letters not less than four inches in length, "Oleomargarine sold here," or "Butterine sold here." Such placard shall be approved by the Dairy and Food Commissioner.

SEC. 30. *Vehicles from which oleomargarine is sold must display sign.* It shall be unlawful for any person to peddle, sell, solicit orders for the future delivery of, or deliver from any vehicle, oleomargarine, butterine or any other similar substance, without having on the outside of both sides of said vehicle the placard in uncondensed Gothic letters not less than three inches in length, "Oleomargarine" or "Butterine."

SEC. 31. *Hotels, etc., must notify guests that oleomargarine is served.* It shall be unlawful for any person to furnish, or cause to be furnished, in any hotel, boarding house, restaurant, or at any lunch counter, oleomargarine, butterine or any similar substance to any guest or patron of said hotel, boarding house, restaurant or lunch counter, without first notifying each guest or patron that the substance so furnished is not butter.

SEC. 32. *Imitation cheese prohibited in charitable and penal institutions.* No butter or cheese not made wholly and directly from pure milk, or cream, salt, and harmless coloring matter, shall be used in any of the charitable or penal institutions of the State.

SEC. 33. *Warrant for persons selling imitation butter or cheese.* When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases, that imitation butter, or imitation cheese, or any substance designated or intended to be used as a substitute for butter or cheese, is in the possession or under the control of any person or persons contrary to the provisions of the laws of this State, and that the complainant believes that it is concealed in any particular warehouse, store, or refrigerator for mercantile purposes, the magistrate, if he be satisfied that there is cause for such belief, shall issue a warrant for such property.

SEC. 34. *Sheriff to serve warrant and conduct search.* All such warrants shall describe and designate the place and property to be searched for and shall be directed to the sheriff of the county, or his deputy, or to any constable of the county, commanding such officer to search the house, building, store or other place where imitation butter, or imitation cheese, or any substance designed or intended to be used as imitation butter or cheese, for which he is required to search, is believed to be concealed, and to bring such property, when found, and the person or persons in whose possession the same shall be found, before the magistrate who issued the warrant, or before some other magistrate or court having cognizance of the case.

SEC. 35. *Seizure; proviso.* When any officer in the execution of a search warrant under the provisions of this act shall find any imitation butter or cheese, or any substance designed or intended to be used as an imitation of butter or cheese, and for which a search is allowed by this act, all the property so seized shall be safely kept by the direction of the court or magistrate, so long as shall be necessary for the purpose of being produced as evidence on any trial; *Provided*, that it shall be the duty of the officer who serves a search warrant, issued for imitation butter, or imitation cheese, or any substance designed or intended to be used as imitation butter or cheese, and alleged to be in his possession, or under the control of any person authorized in writing to receive the same, a true and perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, such analysis to be made by a chemist of any State institution and the result of such analysis or test shall be recorded and preserved as evidence, and the expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the cost of such prosecution. If any sample be found to be imitation butter, or imitation cheese, or substance designed or intended to be used as an imitation of butter or cheese, and that the same, at the time of such seizure, was in the possession or under the control of any person or persons contrary to any of the provisions or requirements of this act, then and in such case the property so seized shall be confiscated under the direction of the court or magistrate; otherwise the said property shall be forthwith returned to the person or persons from whom it was taken, and no cost or expense shall be charged to such person or persons.

Approved March 25, 1907. Laws of 1907, ch. 153, pp. 236-241.

EXTRACTS.

SEC. 11. *Labeling; proviso.* Extracts made of more than one principle must be labeled in a conspicuous manner with the name of each principle, or else with the name of the inferior or adulterant, and in all cases when an extract is labeled with two or more names such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, that all extracts which cannot be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "imitation" in letters similar in size and immediately preceding the name of article: *Provided Further*, that prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or mixture.

Approved March 25, 1907. Laws of 1907, ch. 153, p. 235.

FRUIT PRODUCTS.

SEC. 10. *Sale of imitation jelly, jam, and fruit butter prohibited; labeling; proviso.* No person shall, by himself or another, either as principal, clerk or servant, directly or indirectly, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as fruit, jelly, jam or fruit butter, any imitation fruit, jelly, jam or fruit butter, or other similar compound, made or composed in whole or in part of glucose, dextrine, starch or other substances under any name or designation whatever, unless the same shall be composed entirely of ingredients not injurious to health, and every can, pail or package of such jelly, fruit, jam or fruit butter sold, offered for sale, or kept for sale in this State, shall be distinctly and durably labeled in a conspicuous place imme-

diately preceding the name of the article sold with the word "imitation" preceding the name of the fruit, jelly, jam or fruit butter the article is intended to imitate: *Provided*, any fruit, jelly, jam or fruit butter containing no foreign ingredient other than glucose may be labeled and sold as "glucose (or corn syrup) jelly," "fruit," "jam," or "fruit butter," as the case may be, to conform in name to the fruit or fruits used in its preparation.

Approved March 25, 1907. Laws of 1907, ch. 153, pp. 234-235.

MEAT.

SEC. 1. *Inspection of cattle.* The State Dairy and Food Commissioner, is hereby empowered to examine and inspect all cattle, sheep, swine and goats before they enter into any slaughtering, packing, meat canning, rendering or similar establishment in which they are to be slaughtered and the meat and meat food products thereof are to be used or sold for human food; and all cattle, sheep, swine and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats; and when so slaughtered, the carcasses of said cattle, sheep, swine or goats shall be subject to a careful examination and inspection. The Dairy and Food Commissioner may also make a post mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine and goats to be prepared for human food at any slaughtering, meat canning, salting, packing, rendering or similar establishment in this State, and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome and fit for human ^a "Passed;" and said inspectors shall mark, stamp, tag or label as "Inspected and Condemned" all carcasses and parts thereof of animals found to ^a and Condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of the Dairy and Food Commissioner or his deputy.

SEC. 2. *Sanitation of slaughtering and packing houses.* All slaughtering and packing houses shall be maintained, and conducted under sanitary conditions, and the State Dairy and Food Commissioner is hereby authorized and empowered to make rules and regulations to carry out the provisions of this act, and any person, firm or corporation violating any of such rules shall be declared guilty of a misdemeanor.

SEC. 3. *Commissioner may co-operate with National inspectors.* In establishments where animals are slaughtered for human food partly for consumption within the State and partly for interstate commerce, the Dairy and Food Commissioner may co-operate with the inspectors appointed by the National Government and all inspections made by such inspectors under the provisions of such co-operation shall be deemed a compliance with the provisions of this act.

SEC. 4. *Exemption.* The provisions of this act shall not apply to any animals or the carcasses or parts thereof, that are inspected and stamped by inspectors of the National Government.

SEC. 5. *Cattle slaughtered for home consumption.* The provision of this act requiring the inspection of animals to be slaughtered shall not apply to animals slaughtered by any farmer for domestic use.

SEC. 6. *Sale of condemned meat prohibited.* Any person who shall sell or offer for sale the carcasses or parts thereof of any animals enumerated in this act, which have been examined and condemned shall be guilty of a misdemeanor.

Approved March 25, 1907. Laws of 1907, ch. 146, pp. 223-224.

^a So in Statutes.

PRESERVATIVES.

See General Food Laws, page 106.

VINEGAR.

SEC. 36. *Branding; standard.* All packages containing vinegar must be branded with the name and address of the manufacturer. All vinegars must contain not less than four per cent by weight of absolute acetic acid and must not contain any preparation of lead, copper, sulphuric acid, or any other mineral acids, vinegar eels or ingredients injurious to health. All vinegars made by fermentation and oxidation must be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made; must be free from foreign sub,^a by weight, of solids contained in the fruit or grain from which said vinegar is fermented, and not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor must be branded "Distilled Vinegar," and must be free from harmful artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, drugs, or acids, and containing not less than one and three-fourths per cent by weight, of cider vinegar solids, can be sold as apple, orchard, or cider vinegar. Malt vinegar must be made from malt, by fermentation and oxidation without distillation, and contain by weight four per cent absolute acetic acid, and yield upon evaporation at least two per cent of malt solids.

SEC. 37. No person or persons, known as retailers, who sell vinegar by the gallon, shall reduce by water or other mixtures the strength of vinegar, purchased and sold by them unless he shall mark in plain figures on said package or barrel, the strength of the vinegar still contained in the package.

Approved March 25, 1907. Laws of 1907, ch. 153, pp. 241-242.

^a So in Statutes.

VERMONT.

GENERAL FOOD LAWS.

SEC. 1. *Definition of "company."* The term "company" as used in this act shall mean any company, association, corporation, copartnership or individual.

SEC. 2. *Commissioners.* The secretary of state and the state treasurer shall, by virtue of their offices, be the commissioners mentioned in this act.

Approved October 23, 1906. Laws of 1906, No. 138, pp. 153-154.

SEC. 11. *Right of access for inspection.* A health officer of a town may inspect the carcasses of slaughtered animals intended for food, and meat, fish, vegetables, produce, fruit or provisions found in his town, and for such purpose may enter any building, enclosure or other place in which such carcasses or articles are stored, kept or exposed for sale. If such carcasses or articles are designated for food for man and are found tainted, diseased, corrupted, decayed, unwholesome, or from any cause unfit for food, the local board of health shall seize the same and cause it to be forthwith destroyed or disposed of otherwise than for food. A member of the state board of health, or the director, chemist or assistant chemist at the state laboratory of hygiene, shall have the same powers as local health officers under the provisions of this section.—*As amended December 10, 1906; laws of 1906, No. 175, pp. 185-186; see Bul. 69, Rev., Pt. VII, p. 620.*

Approved November 11, 1904. Laws of 1904, No. 143, pp. 198-202.

SEC. 2. *Appropriation.* The sum of twenty-five hundred dollars is hereby annually appropriated to be expended under the direction of the state board of health for paying the expenses incurred in carrying out and enforcing the provisions of No. 143 of the acts of 1904, section four thousand three hundred forty-five and sections five thousand seventy-three to five thousand seventy-seven, inclusive, of the Vermont Statutes, and for providing for the inspection of foods and drugs.

Approved December 10, 1906. Laws of 1906, No. 175, pp. 185-186.

CANDY.

SEC. 1. *Intoxicants in candy prohibited; penalty.* A person or corporation that sells, furnishes or gives away candy of any sort or kind containing intoxicating liquors, of any sort in any quantity whatsoever, or flavored in a manner to imitate the taste of intoxicating liquor shall upon the first conviction thereof be fined ten dollars with costs of prosecution, and for each subsequent conviction shall be fined twenty-five dollars with costs of prosecution.

Approved November 22, 1906. Laws of 1906, No. 150, p. 165.

DAIRY PRODUCTS.

SEC. 3. *License for foreign companies.* A foreign company doing a butter, cheese, cream, milk or condensed milk business in the state shall not transact or carry on such business unless such company first obtains a license of said commissioners authorizing the company so to do. Before receiving such license, the company shall file with the secretary of state a certified copy of its charter and by-laws, or articles of association, and a statement under oath of its president and secretary showing the amount of its capital stock, where and in what invested, and the true financial condition and standing of such company; and in case of a copartnership or individual, a statement, under oath, showing the amount of assets and liabilities, and their nature and extent shall be fully and completely set forth.

SEC. 4. *Cost of license.* Upon receiving such copies and statements, if the commissioners are satisfied with the same, and upon the payment of a license fee of five dollars, they shall grant a license authorizing such company to do business in the state until the first day of April thereafter, and annually thereafter, on the first day of April, such license may be renewed upon the payment of a like fee, so long as such company complies with the provisions of law and the commissioners regard the company safe and entitled to public confidence.

SEC. 5. *Requirement of bond.* If, after receiving such copies and statements, the commissioners are satisfied that such company is not safe and entitled to public confidence, they shall, before granting such license, require of such company a bond, with good and sufficient sureties, in such sum as the commissioners direct, conditioned for the payment of all sums recovered against it, which bond shall be renewed annually and from time to time as the commissioners direct. Additional bonds may be required by the commissioners at any time for the protection of the patrons of such company.

SEC. 6. *Filing of duplicate licenses.* Such company shall file in the town clerk's office in each town where it is doing business a duplicate of its license. The commissioners shall receive one dollar for each duplicate license.

SEC. 7. *Responsibility—guarantor for company to be designated.* At the time of filing such duplicate license in the town clerk's office, the company shall also file with the town clerk, a statement setting forth its principal place of business and designating a person in said town upon whom process may be served, such designation shall continue in force until revoked by an instrument in writing designating in like manner some other person upon whom process may be served.

If the person dies or removes from the town and the company does not within thirty days after such death or removal, designate in like manner, another person upon whom process may be served, the same may be served on the town clerk of said town, by duplicate copies one of which shall be immediately forwarded by the town clerk, by mail, prepaid, to such company; and there shall be paid to the town clerk by the officer at the time of service the sum of fifty cents.

SEC. 8. *Penalty for violation.* A company that neglects or refuses to comply with a provision of the preceding sections shall be fined not more than one hundred dollars nor less than ten dollars and costs of prosecution for each day's neglect and refusal so to do. Justices of the peace and municipal courts shall have concurrent jurisdiction with the county court of offenses arising under the preceding sections.

SEC. 9. *Effect.* This act shall take effect on the first day of April, 1907.

Approved October 23, 1906. Laws of 1906, No. 138, pp. 153-154.

SEC. 1. *Misuse of milk cans, etc.; fine.* A person who, by himself, his agent or servant, or as the servant or agent of any other person, co-partnership or corporation, having the custody of a receptacle used as a container for milk destined for sale or for use in the manufacture of any food product destined for sale, places, or causes or permits to be placed, or suffers to remain therein any offal, swill, kerosene, vegetable matter or any article or substance other than milk, skimmed milk, buttermilk, cream or water or other agent used for cleansing such receptacle, shall be fined not more than ten dollars for each receptacle so misused.

SEC. 2. *Return of misused milk cans, etc.; penalty.* A person who, by himself, or by his servant or agent, or as the servant or agent of any other person, co-partnership or corporation, sends, ships, returns or delivers, or causes or permits to be sent, shipped, returned or delivered, or in any way aids or assists therein, to a producer of milk or other person, any receptacle used as a container of milk, containing any offal, swill, kerosene, vegetable matter, or any other offensive material or substance shall be fined not more than ten dollars for each offense.

SEC. 3. *Misused milk cans, etc., to be submitted for examination.* A person who receives from a person, co-partnership or corporation any receptacle used or to be used as a container of milk, containing any offal, swill, kerosene, vegetable matter, decayed or decomposed matter, or any other offensive material or substance, shall forthwith submit such receptacle to the health officer of the town where such receptacle is received, for examination, and if such health officer finds such receptacle to be in such condition as to be a menace to the public health it shall be adjudged a nuisance and the health officer shall act relative thereto as provided in chapter one hundred ninety-three of the Vermont Statutes.

SEC. 4. *Failure to submit containers of milk; fine.* A person who fails to submit to the health officer a receptacle used or to be used as a container of milk, as directed in section three of this act shall be fined not more than five dollars for each offense.

SEC. 5. *Effect.* This act shall take effect from its passage.

Approved November 22, 1906. Laws of 1906, No. 137, pp. 152-153.

FLOUR.

SEC. 1. *Repeal.* Sections 4303 to 4314, inclusive, of the Vermont Statutes, are hereby repealed. (*See Bul. 69, Rev., Pt. VII, p. 627-628.*)

Approved November 2, 1906. Laws of 1906, No. 135, p. 151.

MEAT.

SEC. 1. *Sale of immature, diseased, etc., flesh unlawful; penalty; prima facie evidence.* A person who sells or offers to sell or keeps with intent to sell for food purposes, or ships out of the state, or keeps with intent to ship out of the state, for food purposes, the flesh of any animal or fowl which died or was killed when diseased, or the flesh of a calf which was less than four weeks old or weighed less than fifty pounds, dressed weight, when killed, shall be imprisoned not more than one year, or fined not more than three hundred dollars, or both. The possession of any such flesh dressed or packed in a manner suitable for sale or use as food shall be prima facie evidence of the intent to sell the same, or to ship the same out of the state, for use as food.

SEC. 2. *Penalty for selling diseased meat.* A person who sells or offers to sell or keep with intent to sell an animal known to him to be infected with bovine tuberculosis or any other contagious disease, or any disease dangerous to public health, shall be imprisoned not more than one year, or fined not more than three hundred dollars.

SEC. 3. *Penalty for violation of importation law.* A person who brings cattle or other domestic animals into this state, contrary to the provisions of the law relating to the importation of cattle and other domestic animals, shall be fined fifty dollars for each offense, and such importation of each separate animal shall constitute a distinct offense.

SEC. 4. *Repeal.* Section 21 of No. 143 of the acts of 1904 is hereby repealed. (*See Bul. 69, Rev., Pt. VII, p. 621.*)

SEC. 5. *Repeal.* Section 5074 of the Vermont Statutes, [See Bul. 69, Rev., Pt. VII, p. 619] sections 3, 6 and 8 of No. 85 of the acts of 1902,^a and section 10 of No. 143 of the acts of 1904, [See Bul. 69, Rev., Pt. VII, p. 620.] are hereby repealed except as to offenses committed or prosecutions commenced before this act takes effect, but as to such offenses and prosecutions such sections shall continue and remain in force.

SEC. 6. *Effect.* This act shall take effect from its passage.

Approved December 19, 1906. Laws of 1906, No. 182, p. 197.

RULES AND REGULATIONS.

REGULATION I. *Short Title of the Act.* No. 143 of the Laws of 1904 entitled "An act providing for the Inspection of Foods, Drugs, and other articles in common use," as amended by No. 144 of the Laws of 1904, No. 175, No. 176 and No. 182 of the Laws of 1906, shall be known and referred to as the Vermont Pure Food and Drug Law.

REGULATION II. *Enforcement.* The enforcement of this law is made the duty of the state board of health. The state board of health, the director, chemist, and assistant chemist of the laboratory of hygiene, and the health officers of the several towns and cities are food and drug inspectors.

REGULATION III. *Duty of Inspectors.* It shall be the duty of the state health officers and food and drug inspectors:

1. To collect samples of foods and drugs for examination and analysis;
2. To inspect dairies, creameries, cheese factories and other places where milk products are made and prepared;
3. To inspect stock yards, abattoirs and slaughter houses where animals are kept for slaughter, slaughtered and prepared for market;
4. To inspect canning factories, confectioners' factories, pickling factories, syrup refineries, bottling works, breweries, drug manufactories and other places where foods and drugs are made and prepared.
5. To inspect grocery stores, meat markets, fish markets, drug stores and all other places dealing in or selling food and drugs;
6. To inspect bakeries, bakeshops and other places where bread, cake, pastries, confections and similar products are prepared for sale;
7. To inspect restaurants, hotels and other public places where food is prepared and sold;
8. To assist local officials in the prosecution of violations of the Food and Drug Laws.

Inspectors shall conduct their examinations quietly and in such a manner that no unnecessary antagonism will be aroused against their work. They will

^a Relate to violations of live stock laws and are not included in this compilation.

remember always that it is the policy of the board of health to co-operate with manufacturers, wholesalers and retailers in securing pure goods.

REGULATION IV. *Compensation of Collectors.* When any local health officer is so requested by the secretary of the state board of health, he shall procure a sample of any drug, article of food, or other substance, specified in said act, and forward to the laboratory of hygiene, securely sealed. He shall also fill out the blank furnished by the state board of health for the purpose, and forward to the laboratory, together with a statement of money paid out for such sample. For each single sample so sent, the local health officer shall receive the sum of twenty-five cents, for each additional sample the sum of ten cents, in addition to the sum he pays for the [original] sample.

REGULATION V. *Collection of Samples.* Samples may be purchased in the open market in the original, unbroken package, when possible, but if in bulk, the marks, brands or tags, upon the package, carton, container, wrapper or accompanying printed or written matter shall be noted.

The collector shall also note the names of the vendor, and agent through whom the sale was actually made, together with the date of purchase. The collector shall purchase representative samples.

A sample shall be delivered to the party from whom the purchase is made, provided he requests it.

All samples shall be labelled with identifying marks and sealed by the collector with a seal provided for the purpose.

REGULATION VII. *Methods of Analysis.* Unless for some reason impracticable the methods of analysis employed shall be those prescribed by the Association of Official Agricultural Chemists.

Following these regulations are given the United States standards which are contained in Circular 19 of the Secretary's Office, U. S. Department of Agriculture.

VIRGINIA.
RULES AND REGULATIONS.

DUTIES OF THE DEPARTMENT UNDER THE FOOD LAW.

The law directs the Board of Agriculture—

1. To collect and examine foods for man and beast and publish the results. (Sec. 1.)

2. When violation of the law is discovered to certify the fact to the proper Commonwealth's attorney, who shall prosecute without delay. (Sec. 3 and 4.)

3. To cause all compound, mixed, or blended products to be properly branded, and prescribe how this shall be done. (Sec. 7.)

4. To fix standards of strength, quality and purity. (Sec. 8.)

5. To publish lists of articles exempt from the provisions of the act. (Sec. 8.)

Standards and Rulings of the Board of Agriculture Relating to Foods in Accordance with the Provisions of the Pure Food Law.—Section 8 of the law directs the Board of Agriculture, from time to time, to fix and publish standards for food products, but provides that, when standards have been fixed by the Secretary of Agriculture of the United States, they shall be accepted by the Board of Agriculture as the standards for Virginia, and as the Secretary of Agriculture has had many standards prepared and is having others prepared as fast as possible, the Board of Agriculture deems it wiser to establish no standards of its own, but to use those so far established by the Secretary of Agriculture, and to wait for the others being prepared under his direction.

(These standards are contained in Circular No. 19 of the Office of the Secretary of the U. S. Department of Agriculture.)

LABELING.

In accordance with section 7 of the food law, the Board of Agriculture establishes the following regulations as to labeling and branding of foods:

Rule 1. *All foods.*—All foods offered for sale in Virginia must be so branded or labeled as to truly set forth the contents of the material so branded or labeled, and if such foods are artificial, imitation, compound, blended or adulterated, the words "artificial," "imitation," "compound," "blended," "adulterated," must immediately precede or follow the word or words they modify, and be in the same size and style of type and on the same kind of background as the word or words with which they are associated.

WASHINGTON.

GENERAL FOOD LAWS.

SEC. 1. *Adulterated and misbranded food and drugs.* No person, firm or corporation shall, within this State, sell, offer for sale, have in his possession with intent to sell, or manufacture for sale, any article of food or drug which is adulterated or misbranded within the meaning of this act.

SEC. 2. *Terms "food" and "drugs" defined.* That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound.

SEC. 3. *Adulteration defined.* That for the purposes of this act an article shall be deemed to be adulterated:

In case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In case of food:

First.—If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second.—If any substance has been substituted wholly or in part for the article.

Third.—If any valuable constituent of the article has been wholly or in part abstracted.

Fourth.—If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth.—If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said preservatives shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth.—If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is in the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 4. *Term "misbranded" defined.* That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into

the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

That for the purposes of this act an article shall also be deemed to be misbranded:

In the case of food:

First.—If it be an imitation of or offered for sale under the distinctive name of another article.

Second.—If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha, or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any substances contained therein.

Third.—If the net weight or net measure of such package, bottle or container be given, and it shall not be the true net weight or net measure.

Fourth.—If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First.—In the cases of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second.—In the case of articles labeled, branded or tagged so as plainly to indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 5 *Exemption under guaranty; proviso.* No dealer shall be prosecuted under the provisions of this act if he shall prove a written guaranty of purity in a form approved by the Dairy and Food Commissioner: *Provided*, That the guarantor is a resident of the State of Washington. The guaranty referred to herein shall contain the full name and address of the person, firm or corporation making the sale to the dealer, and such person, firm or corporation shall be held liable to all prosecutions, fines and other penalties which would attach to the dealer under the provisions of this act.

SEC. 6. *Evidence of guilt; confiscation; reimbursement; proviso.* Possession by any person, firm or corporation of any article of food or drug, the sale of

which prohibited by this act, or being the consignee thereof, shall be *prima facie* evidence that the same is kept or shipped to the said person, firm or corporation in violation of the provisions of this act, and the Dairy and Food Commissioner is hereby authorized to seize upon and take into his possession such articles of food and thereupon apply to the superior court of the county in which such food is seized for an order directing him to dispose of or sell the same and apply the proceeds of the same to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guaranty as required in section 5: *Provided, however,* That the Dairy and Food Commissioner shall first give notice to the person, firm or corporation in whose possession such goods are found, if in the possession of a common carrier, then the consignee of such food or drug, notifying such person, firm or corporation that he has seized such foods or drugs, and the reasons therefor, and that he has made an application to the superior court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten days from the service of such notice, and that at the hearing of said application the said person, firm or corporation shall show cause, if any they have, why the prayer of the petition should not be granted. Upon the hearing of said petition the affidavits or oral testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent of the parties to said application.

SEC. 7. *Sampling.* Every person selling, exhibiting or offering for sale, manufacturing or having in his possession with intent to sell or serve, or delivering to a purchaser, any article of food or drug included in the provisions of this act, shall furnish to the Dairy and Food Commissioner or any of his deputies or any person authorized by him and demanding the same, who shall apply to him for the purpose and shall tender him the price at which the article of food is sold, a sample sufficient for the analysis of any such article of food which is in his possession.

SEC. 8. *State dairy and food commissioner; deputies; salaries.* The State Dairy Commissioner shall also be the State Food Commissioner and shall be known as the Dairy and Food Commissioner, and he shall receive in addition to his salary as State Dairy Commissioner \$600 per year as extra compensation for enforcing the provisions of this act. He shall also have power to appoint such deputies as may be necessary, and pay therefor not to exceed three dollars per day. He shall appoint one of his deputies to be known as Deputy State Drug Inspector; such Deputy State Drug Inspector shall be a graduate and registered pharmacist under the laws of this State and shall receive as compensation one hundred dollars per month and necessary traveling expenses.

SEC. 9. *Chemist of experiment station to make analysis and aid in prosecution.* It shall be the duty of the chemist of the State Agricultural Experiment Station to analyze any and all substances that the Dairy and Food Commissioner may send to him, and report to the Commissioner, without unnecessary delay, the result of any analysis so made, and when called upon by the said Commissioner, the chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

SEC. 10. *Attorney General and prosecuting attorneys shall prosecute.* It shall be the duty of the Attorney General and the prosecuting attorneys in the counties of this State to prosecute all cases arising under the provisions of this act.

SEC. 11. *Power of deputies; evidence of guilt.* The Dairy and Food Commissioner, or his deputies, shall have power in the performance of their official duties to enter any restaurant, eating house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, where

foods or drugs are served or used, and take for analysis any article of food or drug, or ingredients which enter into the composition of food or drugs, there used. Any article of food, drugs or ingredients which enter into the composition of foods or drugs therein used and so taken, if found to be adulterated, shall be *prima facie* evidence that the same is kept to be used or served to patrons, guests, boarders, patients or inmates of such institution, and the person, firm or corporation owning and operating said restaurant, eating house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, and having in his or its possession adulterated foods or drugs shall be deemed to have such adulterated food or drugs contrary to the provisions of this act.

SEC. 12. *Penalty for violation of act.* Every person, firm or corporation violating the provisions of this act or refusing to comply upon demand with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25) and not to exceed five hundred dollars (\$500), or, in case of second offense, to be imprisoned not less than thirty days and not to exceed ninety days, or both such fine and imprisonment. Any person found guilty of selling, offering for sale, having in his possession with intent to sell or serve, or manufacturing for sale any adulterated article of food or drug under the provisions of this act, shall pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of food or drugs, in addition to the costs of such action: *Provided*, That all penalties and costs for the violation of the provisions of this act shall be paid to the Board of State Dairy and Food Commission, or to their agent, and by them paid into the State treasury and applied to the general fund: *And provided further*, That the dealers having goods in stock on the passage of this act, which do not comply with its provisions relating to branding or labeling, may inventory the same and stamp them with a mark for identification, and shall have the right thereafter to sell the goods so inventoried and marked, in ordinary course of business until disposed of: *And provided further*, That this act shall go into effect on the first day of October, 1907.

SEC. 13. *State board of dairy and food commission.* The State Board of Dairy and Food Commission *ex-officio* shall be the State Board of Dairy and Food Commission, and said Board shall hereafter be known and described as the "State Board of Dairy and Food Commission."

SEC. 14. *Expenses.* All expenses incurred under the provisions of this act shall be paid out of the general fund, and shall be audited by the State Auditor upon bills being presented, appropriately certified by the Board of Dairy and Food Commission, and the State Auditor shall from time to time draw warrants upon the State Treasury [Treasurer] for the amounts thus audited.

SEC. 15. *Commissioner's report.* The Dairy and Food Commissioner shall publish each month a report of the work of his office, including the brand, name and address of the manufacturer, analysis and fines of foods and drugs found to be adulterated, and the necessary expense, if any, of said publication, shall be defrayed as provided in section 14 of this act.

SEC. 16. *Repeal.* An act entitled "An Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency, and repealing 'An Act to

provide against the adulteration of food,' approved March 13, 1899," being chapter XCIV of the Laws of 1901, as amended by chapter 51 of the Laws of 1905, is hereby repealed.

Approved March 15, 1907. Laws of 1907, ch. 211, pp. 478-485.

CONFECTIONERY.

See General Food Laws, page 122.

DAIRY PRODUCTS.

SEC. 1. *Inspectors appointed by board of health.* The board of health or health officer of any city of the first class of the State of Washington shall annually appoint one or more inspectors of milk for their respective cities. All inspectors hereafter appointed shall be graduates of a recognized dairy school or shall have completed a course in dairying in a college where such instruction is given. Each inspector shall be sworn before entering upon the performance of his official duty and shall publish a notice of his appointment for two weeks in a newspaper published in said city, and shall be under the direction and supervision of the board of health of such city. He shall receive such compensation as the city council of such city may determine.

SEC. 2. *Duties of inspector; collecting of samples.* Such inspector shall keep an office and shall record in books kept for the purpose, the names and places of business of all persons engaged in the sale of milk within the limits of said city. He may with the approval of the city council employ collectors of samples of milk who shall be sworn before entering upon their duties. The inspectors or collectors may enter all places in which milk is stored or kept for sale and all carriages used for the conveyance of milk and may take therefrom samples for analysis. They shall upon request made at the time such sample is taken, seal and deliver to the owner or person from whose possession the milk is taken, a portion of each sample, and a receipt therefor shall be given to the inspector or collector. Inspectors shall cause such samples to be analyzed or otherwise satisfactorily tested as to its^a quality and purity. Such sample shall be kept by such inspector under ice so that the temperature of said sample shall not be over the degree of 40 degrees Fahrenheit until such analysis is made, and shall record and preserve as evidence the result thereof, and no evidence of the result of such analysis or test shall be received if the inspector or collector upon request refuses or neglects to seal and deliver a portion of the sample taken as aforesaid, to the owner or person from whose possession it is taken.

SEC. 3. *Permits for milk wagons, in name of owner; not transferable; data in license; penalty.* Whoever in such city in which an inspector of milk is appointed conveys milk in carriages or otherwise for the purpose of selling it in such city shall annually before the first day of June obtain a permit from the inspector of milk of such city to sell within the limits thereof, said permit to be furnished without cost upon the production of a license from the State Dairy and Food Commission. A permit shall be issued only in the name of the owner of the carriage or other vehicle. They shall for the purposes of this chapter be conclusive evidence of ownership and shall not be sold, assigned or transferred without the consent of the city council of such city. Each permit shall contain the number thereof, the name, residence, place of business, number of carriage or other vehicle used by the person obtaining a permit, the name of

^a So in Statutes.

every driver or other person employed by him in carrying or selling milk. Each person obtaining a permit shall before engaging in the sale of milk cause his name, the number of his permit and his place of business to be legibly placed on each side of all carriages or vehicles used by him in the conveyance and sale of milk, and he shall report to the inspector any change of driver or other person who may be employed by him occurring during the term of his permit. And it shall be unlawful for any person under an assumed name or representing himself to be the person named in permit above mentioned to engage in the business of selling or conveying milk or cream, and upon conviction thereof shall be subject to the penalty prescribed in this section.

Whoever without first being permitted to sell milk or dispose of it for sale from carriages or other vehicles or has in his custody or possession with intent to sell, or whoever violates any of the provisions of this section, shall for the first offense be punished by a fine of not less than \$25 nor more than \$100.00, and for a second offense by a fine of not less than \$50, nor more than \$300.00, and for a subsequent offense by a fine of \$50.00 and by imprisonment for not less than thirty days nor more than sixty days.

SEC. 4. *Penalty for refusal to register.* Every person before selling milk or cream or offering it for sale in a booth, store, stand or market place in any such city in which an inspector of milk is appointed, shall register in the book of such inspector his name and proposed place of sale.

Whoever refuses or neglects to register shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

SEC. 5. *Sale of adulterated or impure milk unlawful; penalty; standard for skimmed milk.* Whoever by himself or by his agent or servant or as the agent or servant of another person sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver or expose or offer for sale or exchange, impure, infected or adulterated milk or milk to which water or any foreign substance has been added, or milk produced from a cow which has been fed on refuse or unwholesome food, or from a sick or diseased cow, or from a cow kept in an unclean shed, barn or barnyard, or from a cow within fifteen days before or five days after parturition or in any case before fever has left said cow, as pure milk, or milk from which the cream or a part thereof has been removed, and whoever sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, skimmed milk containing less than 9.3 per cent. of milk solids, exclusive of fat, shall for the first offense be punished by a fine of not less than \$50.00 nor more than \$100.00, and for a second offense by a fine of not less than \$100.00 nor more than \$300.00, and for a subsequent offense by a fine of fifty dollars and by imprisonment for not less than sixty days nor more than ninety days.

SEC. 6. *Standard for whole milk.* In prosecutions under the provisions of sections four and five of this act, milk, normal and of standard quality, is defined as milk, pure, healthy, wholesome and uninfected, free from any foreign substance whatsoever, including coloring matter or preservatives, free from all pathogenic bacteria or germs, pus cells, or blood cells, and which does not contain more than 400,000 bacteria or germs of all kinds to the cubic centimeter, and which has not been infected by or exposed to the infections of any contagious or infectious disease and which comes from cows healthy and free from all kinds of diseases and kept in a healthy, sanitary condition and fed upon wholesome food, and which contains not less than 12 per cent. of milk solids and not less than 8.75 per cent. of solids exclusive of fat, or not less than 3.25 per cent. of fat. Any dealer therein who shall sell milk not normal and up to said standard shall be subject to prosecution and fine as provided in section five of this act.

SEC. 7. *Penalty for offering for sale milk not of standard quality.* Whoever by himself or by his servant or agent or as the servant or agent of another, sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver milk which is not of good standard quality, free from infection and from contamination, by any unwholesome substance or substances, shall for the first offense be punished by a fine of not less than \$50, and for the second offense by a fine of not less than \$100 nor more than \$200, and for a subsequent offense, by a fine of \$50 and by imprisonment for not less than sixty days nor more than ninety days.

SEC. 8. *Standard for cream; penalty.* No cream shall be sold, offered for sale, exchanged, delivered or shipped, transported or carried for purposes of sale, exchange or delivery, that contains less than eighteen per cent. of butter fat, or which contains any pathogenic bacteria or germs, pus cells, blood cells or more than 400,000 bacteria or germs of all kinds to the cubic centimeter, and any person who shall adulterate cream or reduce or change it in any respect by the addition of water or any foreign substance with the intention of selling or offering the same for sale or exchange, shall be punished by a fine of not less than \$50 nor more than \$100, or imprisonment for not less than thirty nor more than sixty days.

SEC. 9. *Penalty for counterfeiting seal or tampering with samples.* Whoever makes or causes to be made, uses or has in his possession an imitation or counterfeit of seal used by an inspector of milk, collector of samples or other person engaged in the inspection of milk, and whoever changes or tampers with the sample, taken or sealed as provided in section two, shall be punished by a fine of \$100 or imprisonment for not less than three nor more than six months.

SEC. 10. *Inspector must do his duty; penalty for hindrance of inspector.* An inspector of milk or his servant or agent who wilfully connives at or assents to the violation of the provisions of this act, or whoever hinders, obstructs or interferes^a with an inspector of milk or his agent, in the performance of his duty, shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not less than thirty nor more than sixty days.

SEC. 11. *Liability of producer.* A producer of milk shall not be liable to prosecution for the reason that the milk produced by him is not of good standard quality, unless such milk was taken upon his premises or while in his possession or under his control by an inspector or by a collector of samples or by an agent, and a sealed sample thereof given to him.

SEC. 12. *Results of analysis to be sent to responsible person.* An inspector of milk or a collector of samples or other State or city officer who obtains a sample of milk for analysis, shall within ten days after obtaining the result of the analysis, send said result to the person from whom the sample was taken or to the person responsible for the condition of such milk.

SEC. 13. *Inspector to enter complaint upon satisfactory evidence of violation of act; cost.* An inspector shall make a complaint for a violation of any of the provisions of any of the sections of this act upon the information of any person who lays before him satisfactory evidence by which to sustain such complaint, and the cost of the prosecution for the violation of any of the provisions of this act shall be borne by the city in which said inspector is appointed.

SEC. 14. *Analysis of milk to be made by chemists of State institutions.* It shall be the duty of the chemist of any State institution to correctly analyze without extra compensation and without other charge to cities having milk inspectors and all cream or milk that such inspector may send to them and

^a So in Statutes.

to report to said inspector without unnecessary delay the result of any analysis so made: *Provided, however,* That analyses as to standard of quality of milk and for adulteration, contamination and unwholesomeness may be made by the bacteriologist or chemist employed by any such city, which analysis shall have the same force and effect as though made by an official of a State institution or said chemist.

SEC. 15. Penalty. Whoever violates any of the provisions of the six preceding sections shall be punished by a fine of not less than \$25 for the first offense and not more than \$100 for each subsequent offense.

Approved March 16, 1907. Laws of 1907, ch. 234, pp. 575-581.

RULES AND REGULATIONS.

"Misbranded."—The term "mis-branded" as used in the Pure Food and Drugs Act of the State of Washington (Sec. 4, ch. 211, Laws of 1907) is so clearly defined in the statute that further elucidation is unnecessary.

Arrangement of words on labels.—In all cases where a word or phrase is used on a label to indicate the character or quality of the contents of the package, such word or phrase must be placed in a suitable position upon the label.

Printing of labels.—The brand or label on every article of food shall be printed in English, except where the foods are manufactured in a country not speaking the English language; and even in such exceptional cases any statement which in its nature is a description of the contents of the package must be in the English language.

Size of type.—The size of type shall not be smaller than 8-point (brevier) caps: *Provided,* That in case the size of the package will not permit the use of 8-point cap type the size of the type may be reduced proportionately.

Soft drinks, etc.—The use of saccharine, salicylic acid, boric acid, sulphurous acid, or formaldehyde in soft drinks, soda water syrups, and fruit syrups is prohibited.

Coloring.—The use of harmful coloring matter in food products is prohibited. The use of any dye, harmless or otherwise, to color or stain a food in a manner whereby damage or inferiority is concealed is specifically prohibited by the Washington pure food law. In case artificial coloring matter is used its presence must be plainly stated on the label.

Saccharine.—Saccharine cannot be used in food products.

Restaurants, etc.—All eating houses, hotels, restaurants, etc., shall be subject to the same rules and regulations as provided for dealers in food products.

Refilling.—Refilling bottles, cans or dishes of any description with a different product than they contained originally, without removing the label, will be considered a violation of the law. Having on the table will be evidence of serving.

Compound bulk goods.—All compound bulk goods shall be put up in packages which will show that they are compounds.

Preservatives.—The use of all preservatives in fresh meat and in milk and cream is strictly prohibited. Under certain restrictions the use of 1-10 of one per centum of benzoate of soda may be permitted, except in the above mentioned products: *Provided,* the presence of same is plainly stated on the label.

Putrid substances.—No decomposed, putrid, infected or rotten animal, vegetable or fruit substance or article, whether manufactured or not, can be sold.

Baking powder.—Baking powders can be sold without formula, but if labeled "Cream of Tartar," "Phosphate Powder," etc., shall state the character and constituents thereof, and shall contain no ingredient injurious to health: they shall contain not less than 10 per cent. of available carbonic acid gas.

Buckwheat flour.—If labeled "Buckwheat Flour" shall be true to name. It can be mixed with a substance not injurious to health if sold as "Buckwheat Flour Compound." Buckwheat flour containing no other substance but for leavening and seasoning purposes may be sold if labeled "Self Rising Buckwheat Flour."

Candy.—Regulations as to candy fully covered by the Food and Drugs Act (Sec. 3, subdivision second, chap. 211, Laws 1907.)

Catsup.—Tomato Catsup shall be the product of the tomato. It shall contain no ingredients injurious to health, no added coloring matter, no starch and, until further notice, may contain not more than 1-10 of 1 per cent. of benzoate of soda: *Provided*, the use of such preservative and a statement of the amount thereof be plainly printed on the label.

Coffee.—Coffee if sold as such shall be true to name. It may be mixed with chicory or other substances not injurious to health, if marked so as to plainly indicate that it is a compound.

Coffee substitutes.—Mixtures of cereals or other articles sold as a substitute for coffee shall be sold as a mixture or compound under an original or coined name.

Chocolates and cocoas.—If containing no other than cocoa mass, sugar and flavoring, will not be classed as adulterated.

Ice cream.—Ice cream shall contain not less than 8 per cent. of milk fat. Eggs and a small amount of gelatine may be used in its manufacture.

Flavoring extracts.^a—Vanilla Extract shall be made from the vanilla bean. A preparation made from artificial vanillin must be labeled "Imitation Vanilla Flavor." Extracts made from more than one principle shall be labeled with the name of each principle. For example, an extract made from vanilla and tonka beans shall be labeled "Extract of Vanilla and Tonka." In all cases it is understood that when an extract is labeled with more than one name the type used is to be similar in size, and the name of any one of the articles shall not be given greater prominence than the other. No extract shall be called "Vanilla Extract" except that made exclusively from the vanilla bean and alcohol, with or without sugar. Extracts that are not made from the fruit, berry or bean and are made artificially, such as raspberry, strawberry, pineapple or banana, shall be labeled "Artificial Flavor."

Lemon extract.—Lemon Extract shall contain not less than five (5) per cent. of oil of lemon containing not less than 4 per cent. of citral dissolved in alcohol.

Terpeneless lemon extract.—An extract made from the terpeneless oil of lemon may be sold: *Provided*, It is plainly marked "Terpeneless Lemon Extract" and contains not less than two-tenths (0.2) per cent. by weight of citral derived from the oil of lemon:

Farinaceous goods.—Farinaceous goods shall be true to name. Barley, hominy, cracked or rolled wheat or oats, tapioca and like articles shall be pure and unadulterated. If mixed or compounded with other articles, shall be sold as a mixture or compound and not under the name of any ingredient contained therein.

Honey.—Honey shall be pure. If mixed with glucose, cane sugar, or other substances, shall be labeled so as to show that it is a compound, with the name of the constituents printed in plain letters on the package. * * * "Honey

^a NOTE.—The flavoring extracts herein described are intended solely for food purposes and are not to be confounded with similar preparations described in the United States Pharmacopœia for medicinal purposes.

is the nectar and saccharine exudations of plants gathered, modified, and stored in the comb by honey bees. It is levorotatory, contains not more than twenty-five (25) per cent. of water, not more than twenty-five hundredths (0.25) per cent. of ash, and not more than eight (8) per cent. sucrose." * * *

Jellies, jams, preserves, marmalades, etc.—Such products shall be true to name. Imitations of such products made or composed in whole or in part of glucose, dextrine, starch or other substances may be sold if distinctly labeled "Imitation" fruit, jelly or butter as the case may be, with the character printed on the label or package.

Lard.—Lard shall be true to name. Imitation or compound lard in the manufacturers' packages shall be distinctly branded or labeled so as to show that it is an imitation or compound. The character of the compound shall be printed on the label.

"Standard Lard and Standard Leaf Lard are lard and leaf lard respectively, free from rancidity, containing not more than one per cent. of substances, other than fatty acids, not fat, necessarily incorporated therewith in the process of rendering, and standard leaf lard has an iodine number not greater than sixty (60)." (U. S. Standards of Purity for Food Products.)

Maple sugar and maple syrup.—Maple Sugar and Maple Syrup must be pure and true to name.

Maple Sugar may be mixed with cane sugar, and sold as "Maple and Cane Sugar": *Provided*, the mixture contains not less than fifty-one (51) per cent. of maple sugar containing not less than 0.65 per cent. of maple sugar ash; otherwise the mixture must be called "Cane and Maple Sugar."

Maple Syrup may be mixed with cane sugar syrup and sold as "Maple and Cane Sugar Syrup": *Provided*, the mixture contains not less than fifty-one (51) per cent. maple syrup containing not less than thirty-two (32) per cent. of water and not less than 0.45 per cent. of maple syrup ash, otherwise the mixture must be called "Cane Sugar and Maple Syrup." In case the amount of maple syrup used is so small as to be used for coloring and flavoring only, the words "Maple Syrup" shall not be used as a constituent part of the name of the compound. In such a case the label must read "Cane Sugar Syrup—Maple Flavor."

Molasses.—Molasses shall be branded with its full and proper name and shall be true to same. If mixed with other syrups it shall be sold as "Molasses Compound," with the character and constituents stated on the package; if Glucose is one of the constituents the word "Glucose" must be used on the package instead of the words "Grape Sugar" or "Corn Syrup."

Syrup.—Each barrel, cask, pail or bottle containing syrup, molasses or glucose shall be distinctly branded or labeled with the true and proper name of such article, and, if compounded, shall be sold as "Syrup Compound." (See also Molasses.)

Prepared mustard.—Pure mustard, mixed with vinegar and spices, may be sold as "Prepared Mustard," but if any substance or substances are added to cheapen it, such as flour, etc., it shall be deemed adulterated unless the character and constituents thereof are stated on the package. Printed matter descriptive of the goods will be allowed upon the label below the words "Prepared Mustard."

Spices.—Spices shall be pure and true to name. If compounded with any other article they shall be sold as a "Compound." (The standards for spices adopted by the U. S. Secretary of Agriculture are adopted as the standards for this state.)

Vinegar.—All vinegars shall contain not less than four (4) per cent. of acetic acid, and shall not contain any preparation of lead, copper, sulphuric acid or

ingredients injurious to health. All vinegars made by fermentation and oxydation shall be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made and shall be free from foreign substances.

Cider Vinegar shall contain not less than one and six-tenths (1.6) per cent. of apple solids of not less than twenty-five one-hundredths (0.25) of 1 per cent. of ash or mineral matter, the same being the material derived from the apple solids.

Malt Vinegar shall contain not less than two (2) per cent. of malt solids and not less than two-tenths (0.2) per cent. of ash derived from the malt solids.

All vinegars made wholly or in part from distilled liquor shall be branded "Distilled Vinegar." A product made by diluting acetic acid with water is not recognized as a vinegar. Only vinegar made from pure apple juice, free from foreign substances, products of acids, and containing not less than 1 6-10 per cent. of cider solids, may be sold as apple, orchard or cider vinegar.

Pancake flour if containing more than one article shall be sold as a mixture or compound, and not under the name of any ingredient contained therein, and shall have on the label a statement of the character and constituents thereof.

Butter.—Butter must be made exclusively of milk and cream. It may be colored with coloring matter not injurious to health. Every creamery putting butter on the market as "Washington Creamery Butter" must secure a state brand from the commissioner. It shall be unlawful to use such brand upon any other than "Washington Creamery Butter," or packages containing the same. Renovated or process butter in tubs or cases shall be marked "Renovated" or "Process Butter" in capital letters one inch high and one-half inch wide, with ink which is not easily removed. Every print shall have on it a wrapper containing the words "Renovated" or "Process Butter" printed thereon so that it may easily be read by the purchaser, and every tub from which it is sold shall have on it a card on which are the words "Renovated" or "Process Butter" so that it may be read at a reasonable distance from the tub. All butter shipped into the state from other states is subject to the same rules and regulations.

Cheese.—Cheese shall be made exclusively of milk or cream. Every cheese factory is required to secure from the commissioner the state brand. The brand shall be used on the outside of the cheese and shall have a different number for each separate manufactory. The said brand shall not be used on any other but full cream cheese, containing not less than 30 per cent. of butter fat. All cheese containing less than 30 per cent. of butter fat shall be marked "Skimmed Cheese" in full faced capital letters not less than one inch high and one-half inch wide. The manufacture and sale of any cheese containing less than 15 per cent. of butter fat or filled cheese is prohibited.

Milk.—Milk shall not contain less than 3 per cent. of butter fat, and 8 per cent. solids other than fats. A can containing milk from which the cream has been removed shall be labeled "Skimmed Milk" in large plain, black letters, each letter being at least one inch high, and one-half inch wide, said words to be on the side, not below the middle of said can or package. The sale of milk which is impure or adulterated, or from cows which are diseased or being fed on distillery waste or other substances in a state of putrefaction or rottenness, or any substance of an unhealthy nature, or from cows kept by a family in which there is an infectious disease, is prohibited.

Condensed milk.—Condensed milk shall be made by the condensation of clean, fresh, whole milk and shall contain not less than 26 per cent. of milk solids and not less than 7.5 per cent. of butter fat.

Oleomargarine.—Oleomargarine shall not be sold in this state unless free from coloration or ingredient that causes it to look like butter. Oleomargarine shall

be branded as such. Stores, hotels, restaurants, boarding houses, etc., shall have conspicuously hanging in the center or placed on the side of any store or room where it is sold or furnished, a white placard, on which is printed in black ink, in plain Roman letters the words "Oleomargarine sold here or used here" in letters which may be read from any part of the room.

Whiskies.—The standards and rulings adopted by the United States authorities for spirituous liquors will be the standards for this state.

Standards for malt liquors will not be announced until the Federal authorities have come to a conclusion on the subject.

Note by commissioner.—So far as conditions permit the Standards of Purity for Foods adopted by the U. S. Department of Agriculture will be the standards for this state.

The foregoing rules and regulations constitute the Commissioner's interpretation of the law and are adopted for the purpose of facilitating the enforcement thereof.

WHOLESALESAERS' AND MANUFACTURERS' GUARANTY.

The Food and Drugs Act of the State of Washington (Section 5, Chapter 211, Laws of 1907), provides as follows:

"No dealer shall be prosecuted under the provisions of this act if he shall prove a written guaranty of purity in a form approved by the Dairy and Food Commissioner. *Provided*, That the guarantor is a resident of the State of Washington. The guaranty referred to herein shall contain the full name and address of the person, firm or corporation making the sale to the dealer, and such person, firm or corporation shall be held liable to all prosecutions, fines and other penalties which would attach to the dealer under the provisions of this act."

WEST VIRGINIA.

GENERAL FOOD LAWS.

SEC. 1. *Prosecuting attorney to collect samples; analysis; proviso.* The prosecuting attorney of each county in this state shall have the power, and it will be his duty under this act, to enter during the usual hours of business into any creamery, factory, store, sales-room, drug store or laboratory, or any place, where he has reason to believe food, drink or drugs are made, prepared or sold or offered for sale, and to open any case, tub, jar, bottle or package containing or supposed to contain any articles of food, drink or drugs, and examine or cause to be examined and analyzed the contents thereof.

It shall be the duty of the chemist of the state agricultural department to analyze any of the above enumerated articles that may be sent him by the prosecuting attorney, and certify the result of said analysis to said prosecuting attorney.

Provided, that if less than a whole package shall be taken under this section, the sample as taken shall be sealed and prepared in every manner for shipment to the person who shall make the analysis hereinafter provided for. No package taken and prepared for shipment shall be opened before it has been received by the analyst aforesaid. If a whole package be taken it shall not be opened before it has been received by the analyst aforesaid.

SEC. 2. *Adulteration prohibited; "food" and "drug" defined.* No person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act.

The term "drug" as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants^a and cosmetics. The term "food" as used herein shall include all articles used for food, drink, confectionery or condiment by man, whether simple, mixed or compound.

SEC. 3. *Adulteration defined; proviso.* An article shall be deemed to be adulterated within the meaning of this act: * * *

One, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; two, if any inferior or cheaper substance or substances have been substituted wholly or in part for it; three, if any valuable or necessarily^a constituent or ingredient has been wholly or in part abstracted from it; four, if it is an imitation of, or is sold under the name of another article; five, if it consists wholly or in part of diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal; six, if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; seven, if it contains any added substance^a ingredients which is poisonous or injurious to the health; eight, if it is sold under a coined name and does not contain some ingredient suggested by such name or contains only an inconsiderable quantity; nine, if

^a So in Statutes.

the package containing it or any label thereon shall bear any statement regarding it or its composition which shall be false or misleading in any particular, *provided*, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food or drink, if each and every package sold or offered for sale is distinctly labeled in words of the English language as mixtures or compounds, with the name and per cent of each ingredient therein; the word "compound" or "mixture" shall be printed in type not smaller in either height or width than one-half the largest type upon any label on the package and the formula shall be printed in letters not smaller in either height or width than one-fourth the largest type upon any label on the package, and said compound or mixture must not contain any ingredient injurious to the health.

SEC. 5. *Penalty for violation of act.* Whoever by himself or his agents, violates any of the provisions of this act, shall upon conviction be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than twenty days nor more than sixty days, or both for each subsequent offense.

SEC. 6. "*Person*" defined. The word "person" as used in this act shall include persons, corporations and co-partnerships.

SEC. 8. *Cost of inspection, analysis, and prosecution to be paid by guilty party.* Any person guilty of violating any of the provisions of this act, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing any such adulterated food, drink, or drugs which said party may have been guilty of adulterating, or selling, or keeping for sale or offering for sale, including a fee of twenty dollars to the prosecuting attorney; the costs incurred by reason of the examination of such food, drink or drugs shall be paid, when collected, into the county treasury.

SEC. 9. *Effect.* This act shall not go into effect until January the first, one thousand nine hundred and eight.

Passed February 16, 1907. Acts of 1907, ch. 68, pp. 270-273.

MEAT.

SEC. 7. *Slaughter of calves; penalty.* Whoever by himself or his agents, kills for the purpose of sale, any calf less than four weeks old, or sells, or has in his possession with the intent to sell, the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not less than five dollars, nor more than fifteen dollars or imprisonment not more than sixty days, or both.

Passed February 16, 1907. Acts of 1907, ch. 68, pp. 272-273.

WISCONSIN.^a

GENERAL FOOD LAWS.

4607h. *Obstructing dairy and food officers; penalty.* Any person who shall obstruct the dairy and food commissioner of this state or either of his assistants, chemists or inspectors in the performance of their duty by refusing him entrance to any place he is authorized to enter or by refusing to deliver him a sample of any article of food, drink or drug made, sold, offered or exposed for sale by the person to whom request therefor is made, if the value thereof is tendered, shall be * * * guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than sixty days.—*As amended May 3, 1907; Laws of 1907, ch. 78, pp. 651-652. See Bul. 69, Rev., Pt. VIII, p. 680.*

Statutes of 1898, vol. 2, ch. 187, p. 2791.

4600. *Adulteration prohibited; intoxicants in candy; penalty; definitions.* Any person who shall, by himself, his servant or agent, or as the servant or agent of any other person, sell, exchange, deliver or have in his possession with intent to sell, exchange, offer for sale or exchange any drug or article of food which is adulterated, or any candy containing intoxicating liquor, shall be fined not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than four months. * * * The term "food" as used herein shall include all articles used for food or drink or condiment by man, whether simple, mixed or compound.—*As amended June 6, 1907; Laws of 1907, ch. 168, pp. 645-646. See Bul. 69, Rev., Pt. VIII, p. 672.*

Statutes of 1898, vol. 2, ch. 187, p. 2783.

4601aa. *Foods: false branding of weight, measure, country or contents; prosecution.* Any person, firm or corporation by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, who shall manufacture or solicit or take orders for delivery, or sell, exchange, deliver or have in possession with the intent to sell, exchange or expose, or offer for sale or exchange any article of food within the meaning of section 4600, statutes of 1898, which is misbranded within the meaning of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days. The term "misbranded," as used herein, shall apply to articles of food, or articles which enter into the composition of food, which, or the package or label of which shall bear any statement, design or device

^a Food laws passed during July, 1907, are found in the appendix.

regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular; or if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; and to any food product which is falsely branded as to the state, territory or country in which it is manufactured or produced. Any article of food shall also be deemed to be misbranded if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package. The term "label," as used in this section and in section 4601, statutes of 1898, or in any other section of these statutes, relating to the adulteration or misbranding of food, unless otherwise specifically described and provided therein, shall apply to any printed, pictorial or other matter upon or attached to any package of a food product or any container thereof.

It is hereby made the duty of the dairy and food commissioner of this state, by himself, or assistants, chemists, inspectors and agents, to see that the provisions of this section are enforced and for this purpose all the powers conferred upon the said commissioner, his assistants, chemists, inspectors and agents, by sections 1410a, 1410b, 1410d, of the statutes of 1898, or by any other provision of these statutes are hereby conferred upon said dairy and food commissioner, his assistants, chemists, inspectors and agents, so far as the same may be applicable.—*Added June 6, 1907, Laws of 1907, ch. 173, pp. 650-651.*

Statutes of 1898, vol. 2, ch. 187.

1410d. *Dairy and food commissioner; food conventions; maximum expense of analyses.* The governor may authorize the commissioner or his assistants, chemists or inspectors, when not engaged in the performance of other official duties, to give such aid in farmers' institutes, dairy and food and farmers' conventions and the agricultural department of the state university as may be deemed advisable. For the necessary expenses of making the analyses contemplated in the foregoing sections the commissioner may incur an annual expense of not to exceed * * * one thousand dollars, the accounts for which, when verified and itemized, and approved by the governor shall be audited by the secretary of state.—*As amended June 12, 1907; Laws of 1907, ch. 206, pp. 307-308. See Bul. 69, Rev., Pt. VIII, p. 677.*

Statutes of 1898, vol. 1, ch. 56b, p. 1060.

4601-4a. *Food purity standards of U. S. adopted.* In all prosecutions arising under the provisions of these statutes for the manufacture or sale of an adulterated, misbranded or otherwise unlawful article of food, drink, condiment or drug, the latest standards of purity for food products, established by the United States secretary of agriculture, shall be accepted as the legal standards, except in cases where other standards are specifically prescribed by the laws of this state.—*Added June 12, 1907. Laws of 1907, ch. 205, pp. 649-650.*

Statutes of 1898, vol. 2, ch. 187.

BAKING POWDER.

4601b. *Baking powder to be labeled with name of each ingredient in English.* Any person who shall, by himself, his servant or agent or by the servant or agent of any other person, make or manufacture baking powder or any mixture or compound intended for use as a baking powder, or sell, exchange or deliver, or have in his possession with the intent to sell or exchange, or expose or offer for sale or exchange such baking powder, or any mixture or compound intended

for use as a baking powder, * * * unless each receptacle or package in which the same is kept for sale or sold, has securely affixed in a conspicuous place upon the side thereof, and plainly separated from other reading matter, a white or light colored label, upon the outside face of which label shall be printed in English language, with black ink, in type not smaller than eight point, bold-faced, Gothic capitals, the name and address of the manufacturer of such baking powder, and the words: "This baking powder is composed of the following ingredients and none other," and immediately thereafter upon the same label, in color, style and manner above specified, the name of each ingredient contained in such baking powder, using the name by which each ingredient is commonly known, shall be punished as provided in the next preceding section, provided, that for the purposes of this act, alum in any form or shape or any aluminum salt shall be designated by the term alum.—*As amended May 3, 1907. Laws of 1907, ch. 77, p. 651. See Bul. 69, Rev., Pt. VIII, p. 673.*

Statutes 1898, vol. 2, ch. 187, p. 2783.

BREAD.

1636-61. 1. Bakeries and confectioneries; sanitary storage rooms; pure air; impermeable floors; single use. All buildings occupied for bakeries and confectionery establishments, and all buildings or rooms for storage of goods that are intended to be used in the preparation of the products of such establishment or for storage of the products of such establishments shall be well drained and all plumbing therein shall be constructed in accordance with well established sanitary principles and of good workmanship, and the rooms thereof used for the manufacture, storage or sale of bread and other food products or for the storage of goods that are intended to be used in the preparation of such bread and other food product shall be light, dry and airy. The air within such bakery or confectionery establishment shall at all times be kept pure and free from harmful odors and noxious gases. The room or rooms used for the manufacture or storage of bread and other food products in bakeries and confectionery establishments shall have floors and side walls so constructed as to exclude rats, mice and other vermin, and said floor and side walls shall at all times be free from moisture and kept in a good state of repair. Said floor shall have a smooth surface and be impermeable and may be constructed of wood, cement or tile laid in cement. But no floor shall be constructed in a room used for the manufacture of * * * bread and other food products in bakeries and confectionery establishments where the floor of said room is more than eight feet below the level of the street, sidewalk or adjacent ground. The walls and ceiling of such rooms used for the manufacture or storage of bread * * * or other food products, or for the storage of goods that are intended to be used in the preparation of such bread and other food products shall be whitewashed at least as often as once in six months and the floors, utensils and furniture of such rooms as are used for the manufacture, storing or sale of said food products and the wagons used for the delivery of said food products shall at all times be kept in a sanitary, clean condition. The furniture and utensils of such rooms shall also be so arranged so that the same can be easily and perfectly cleaned. No room used as a bakery shall be used for any other purpose.

2. No filth, disease, vermin, uncleanness. No food shall be prepared in any unclean manner or near any filthy object in any bakery or confectionery establishment, or by any person wearing filthy clothing, nor by any person afflicted with a loathsome disease. No goods that are decayed, or have been contami-

^a So in Statutes.

nated nor any goods to which vermin have had access, or which vermin have part^a consumed or devoured, nor goods which have become unclean in any manner shall be used in the preparation of any product of a bakery or confectionery establishment. No person shall befoul any room or any utensil used in the preparation of food in any bakery or confectionery establishment.—*As amended June 9, 1907; Laws of 1907, ch. 486, pp. 384-385. See Bul. 69, Rev., Pt. VIII, p. 673.*

1636-62. Closets; sleeping rooms; clothing; toilet. No water-closet, earth-closet, privy or ash pit shall be within or communicate directly with the bake room or any other room used in the manufacture of bread * * * or other food products in any bakery or confectionery establishment. The sleeping places for workmen employed in bakeries or confectioneries shall be separate and distinct from the places used in the manufacture of bread or other food products. While engaged in the manufacture of bread or other * * * food products the workmen in bakeries or confectioneries shall provide themselves with caps and slippers or shoes and an external suit of coarse linen, used for that purpose only, and these garments shall at all times be kept in a clean condition. All bakeries and confectioneries shall be provided with ample toilet facilities apart from the utensils used in the preparation of said foods to enable the workmen employed therein to keep their persons clean. Said bakeries and confectioneries shall also be provided with a separate dressing room to enable the workmen to change their clothes and keep the same in a proper condition.—*As amended June 9, 1907; Laws of 1907, ch. 486, pp. 385-386. See Bul. 69, Rev., Pt. VIII, p. 674.*

1636-63. Height of rooms. After the passage of this act no new bakery or confectionery establishment shall be established or operated in a room the floor of which is more than five feet below the level of the street, sidewalk or adjacent ground, nor in any room the ceiling of which is less than eight feet high from the floor and no bakeshop nor confectionery shall be re-opened in such a room where the same has not been used for a period of over six months.—*As amended June 9, 1907; Laws of 1907, ch. 486, p. 386. See Bul. 69, Rev., Pt. VIII, p. 674.*

1636-65. Room licenses necessary; labor commissioner to grant; revocation. It shall be the duty of the state bureau of labor and boards of health, both state and local, to see that the provisions of this act are enforced and the commissioner of labor shall appoint a proper and competent person to act as bakery inspector for two years, who shall perform his duties under the direction of the said commissioner. The state factory inspector or any assistant state factory inspector shall have the same power as the bakery inspector. The said bakery inspector shall receive a salary of \$1,000 per annum together with necessary traveling expenses, to be paid out of the general fund not otherwise appropriated.

* * * No building, room or apartment shall be used for the purpose of establishing a bakery or confectionery establishment for the manufacture of bread and other food products, unless a license is secured as provided in this act. Application for a license shall be made to the commissioner of labor and industrial statistics by any person, firm or corporation desiring to establish or conduct a bakery or confectionery for the manufacture of bread and other food products. Such application shall be made in such form as the commissioner of labor may determine. Blank applications shall be prepared and furnished by the commissioner of labor.

^a So in Statutes.

If the commissioner of labor and industrial statistics or bakery inspector, ascertain that such building, room or apartment is in clean and proper sanitary condition, and otherwise conforms to all provisions of this act, and that bread and other food products may be manufactured therein under clean and sanitary conditions, he shall grant a license permitting the use of such building, room or apartment for the purpose of making bread and other food products. The license so issued shall be revoked ipso facto upon a second conviction of any violation or failure to comply with any of the provisions of this act.—*As amended June 9, 1907; Laws of 1907, ch. 486, pp. 386-387. See Bul. 69, Rev., Pt. VIII, pp. 674-675.*

1636-67. Penalties. Any person who shall engage in or continue in the operation of a bakery or confectionery establishment after this act shall take effect without first procuring a license so to do, as provided by this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both. Any person who violates or fails to comply with any other provision of this act after thirty days notice in writing has been served upon, or sent through registered mail to, the owner, manager or officer operating such establishment, by an officer or inspector of the bureau of labor or some officer or agent of the board of health, of any change necessary to be made to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both. Provided, however, that nothing in this section shall be so construed as to prevent immediate prosecution, without notice, for any violation of the provisions of subdivision 2 of section 1636-61 as created by this act.—*As amended June 9, 1907; Laws of 1907, ch. 486, p. 387. See Bul. 69, Rev., Pt. VIII, p. 675.*

Statutes of 1898, vol. 1.

CANDY.

See General Food Laws, page 136; also Bread, page 138.

DAIRY PRODUCTS.

1494aa. Babcock milk and cream test; samples; paying check. 1. In the case of the Babcock test, the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of 2 cubic centimeters for each 10 per cent marked on the necks thereof; cream shall be tested by weight and the standard unit for testing shall be 18 grams, and it is hereby made a misdemeanor to use any other standards of milk or cream measure where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of said milk or cream is determined by the per cent. of butter fat contained in the same, or wherever the value of milk or cream is determined by the per cent. of butter fat contained in the same by Babcock test.

2. In sampling cream or milk from which composite tests are to be made to determine the per cent. of butter fat contained therein, no such sample or sampling shall be lawful unless a sample be taken from each weighing and the quantity thus used shall be proportioned to the total weight of the cream or milk tested.

3. Every person, corporation or company operating a creamery when using the Babcock test as a standard to determine the value of any milk or cream

received or bought by such person, corporation or company, to be manufactured into butter, shall, when paying for such milk or cream, include in every statement or check issued to any patron in payment thereof a statement of the number of pounds of butter fat and the number of pounds of butter made for the period of time for which payment is made.—*As amended and added to Statutes, May 15, 1907; Laws of 1907, ch. 99, pp. 351-352. See Bul. 69, Rev., Pt. VIII, p. 684.*

Statutes of 1898, vol. 1, ch. 61, p. 1105.

1494a. Butter and cheese manufacturers: accounts must be accessible; penalties. Any butter or cheese manufacturer who shall knowingly use or allow any other person to use for the benefit of himself or any other person than he who is entitled to the benefit thereof any milk or cream from the milk brought to him, without the consent of the owner thereof, or who shall refuse or neglect to keep or cause to be kept a correct account (which shall be open to the inspection of any person furnishing milk to him and to the dairy and food commissioner of this state, his chemists, assistants, inspectors and agents) of the amount of milk daily received, or of the number of pounds of butter, and the number and aggregate weight of cheese made by him each day, or of the number of cheese cut or otherwise disposed of and the weight of each, shall * * * be guilty of a misdemeanor and upon conviction be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days.—*As amended June 20, 1907; Laws of 1907, ch. 306, pp. 350-351. See Bul. 69, Rev., Pt. VIII, p. 677.*

Statutes of 1898, vol. 1, ch. 61, p. 1105.

1410-1. Secretary, chemist's assistant, cheese factory and creamery inspectors. In addition to the officials and appointees otherwise provided by law for the dairy and food commission, the dairy and food commissioner may, with the advice and consent of the governor appoint one secretary; one assistant chemist; one cheese factory, dairy and food inspector; and one creamery, dairy and food inspector, whose duties shall be to assist in promoting the work of the dairy and food commissioner in the manner herein provided and in such way as may be required by the dairy and food commissioner in the enforcement of the dairy and food laws. The duties of the cheese factory, dairy and food inspector, in addition to the general duties hereinbefore provided, shall be to inspect cheese factories, dairies, foods and drugs under the direction and supervision of the dairy and food commissioner. He shall be an expert cheesemaker, skilled in the technical work of cheese factories, a competent judge of cheese factory products and versed in modern scientific and practical dairy husbandry. The duties of the creamery, dairy and food inspector, in addition to the general duties hereinbefore provided, shall be to inspect creameries, dairies, foods and drugs under the direction and supervision of the dairy and food commissioner. He shall be skilled in the technical work of creameries, a competent judge of creamery products and versed in modern scientific and practical dairy husbandry. The assistant chemist shall be a competent analytical chemist. The annual salary of the said assistant chemist shall be fifteen hundred dollars; the annual salary of the said secretary and of the creamery, dairy and food inspector shall be twelve hundred dollars each. The compensation of the cheese factory, dairy and food inspector shall be one hundred dollars per month. The aforesaid salaries and compensation shall be paid in the same manner as is provided by law for the payment of salaries of

other state officers and employes. There shall also be paid to the assistant chemist and to each of the inspectors herein provided for, their necessary and actual expenses incurred in the discharge of their official duties, on the approval of the dairy and food commissioner and the governor, of verified and itemized accounts therefor, and the said officials shall have all the powers that are conferred by law upon any agent, inspector or assistant of the dairy and food commissioner.—*Added June 25, 1907; Laws of 1907, ch. 386, pp. 308-309.*

Statutes of 1898, vol. 1, ch. 56b.

VINEGAR.

4607i. *Containers and labels; per cent of solids and acids; penalties.* No person shall sell, manufacture for sale, offer or expose for sale or have in his possession with intent to sell as apple, orchard or cider vinegar, any vinegar which has not been made exclusively by the fermentation of pure apple juice, known as apple cider; or vinegar which contains any foreign substance whatsoever; or vinegar which shall contain less than * * * four per centum by weight of absolute acetic acid, or vinegar which shall be found to contain less than one and * * * six tenths per centum by weight of pure cider vinegar solids upon full evaporation at two hundred and twelve degrees Fahrenheit; and no person shall sell, offer or expose for sale or have in his possession with intent to sell any cider vinegar unless each barrel, cask, * * * keg, or other original package or original container, containing the same, be plainly stenciled or branded or labeled, * * * with the words "Cider Vinegar," together with the name and place of business of the manufacturer thereof, and the strength of the vinegar contained in said barrel, cask, * * * keg, or other original package or original container, containing the same, which strength shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar. And no person shall manufacture for sale, offer or expose for sale, or have in possession with intent to sell, or sell, any vinegar which shall be adulterated within the meaning of sections 4600 and 4601 of the statutes of 1898, and laws amendatory thereof; or any vinegar which shall contain less than four * * * per centum by weight of absolute acetic acid; or vinegar which shall contain any artificial coloring matter or any preparation of lead, copper, sulphuric or other mineral acids, or any acid made from the distillation of wood or any ingredient injurious to health. And no person shall sell, offer or expose for sale or have in his possession with intent to sell any vinegar (except cider vinegar) made by fermentation without the intervention of distillation unless each barrel, cask, * * * keg, or other original package or original container, containing the same, be plainly stenciled or branded or labeled, * * * with the name and place of business of the manufacturer of said vinegar, and the strength of the vinegar contained in said barrel, cask, * * * keg, or other original package or original container, containing the same, which strength shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar, together with the words "Fermented Vinegar" and the true name of the fruit or substance from which said vinegar is made. And no person shall sell, offer or expose for sale or have in his possession with intent to sell any vinegar made wholly or in part from distilled liquor unless each barrel, cask, * * * keg, or other original package or original container, containing the same, be plainly stenciled or branded or labeled, * * * with the words * * * "Spirit Vinegar," together with the name and place of business of the manufacturer or dealer thereof and the strength of the vinegar contained in said barrel, cask, * * * keg, or other original package or original container, containing the same, which strength

shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar. And no person shall sell, offer or expose for sale or have in his possession with intent to sell, any vinegar unless the stencil, brand or label hereinbefore required shall in the case of barrel, cask or keg be in black letters and figures at least one inch in height on one head of said barrel, cask or keg, and in case of other original package or original container in black letters and figures not smaller than eight-point Brevier caps on the outside of each original package or original container thereof.

Any person who shall be found guilty of violating any of the provisions of this section shall * * * be guilty of a misdemeanor and on conviction shall be punished by fine not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than sixty days.—*As amended June 24, 1907; Laws of 1907, ch. 379, pp. 652-653. See Bul. 69, Rev., Pt. VIII, p. 689.*

Statutes of 1898, vol. 2, ch. 187, p. 2791.

WYOMING.

GENERAL FOOD LAWS.

SEC. 11. *Power of commissioner.* The Dairy, Food and Oil Commissioner is hereby given power to confiscate such goods as may be condemned by order of the court, upon proper inspection and analysis by the State Chemist.

SEC. 12. *Interference with commissioner.* Any person or persons interfering with the Dairy, Food and Oil Commissioner in the discharge of his duties shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars nor more than three hundred dollars, nor imprisonment for more than ninety days in jail, or both fine and imprisonment at the discretion of the court.

SEC. 13. *Repeal.* All acts or parts of acts in conflict with the provisions of this act, or any part thereof, are hereby repealed.

SEC. 14. *Effect.* This act shall take effect and be in force from and after the first day of April, 1907.

Approved February 20, 1907. Session Laws of 1907, ch. 91, p. 157.

SEC. 6. *Intent to defraud.* Whoever puts up or packs any goods or articles sold by weight in any case or package and fails or omits to mark thereon the net weight thereof, in pounds and fractions of pounds, or with intent to defraud, or in any way transfer any brand, mark, or stamp, put upon any case or package, by any manufacturer to any other case or package, or with like intent repack any case or package marked with a brand, mark or stamp of any manufacturer, with goods or articles inferior to the goods or articles of that manufacturer, upon conviction thereof, shall be fined not more than five hundred dollars or imprisoned not more than six months.—*As amended February 20, 1907, Session Laws 1907, ch. 91, p. 157. See Bul. 69, Rev., Pt. VIII, p. 696. Laws of 1903, ch. 82, art. 8, p. 112.*

SEC. 1. *Dairy, food, and oil commissioner.* The office of Dairy, Food and Oil Commissioner for the State of Wyoming is hereby created.

Such Commissioner shall be appointed by the Governor, by and with the consent of the Senate, and his term of office shall be for four years, from the first day of April, 1907, and vacancies occurring in the office for any cause shall be filled by appointment for the balance of the unexpired term. The salary of the Commissioner shall be \$2,000.00 per annum, together with his actual and necessary expenses incurred in the discharge of his official duty, which shall be paid in the same manner as other state officers.—*As amended January 21, 1907, Session Laws 1907, ch. 2, pp. 4-5. See Bul. 69, Rev., Pt. VIII, pp. 696-697.*

Approved February 18, 1905. Session Laws of 1905, ch. 49, pp. 89-90.

SEC. 1. *Labeling.* After the passage of this act, it shall be unlawful in the State of Wyoming for the packer, wholesale or retail dealer, or any other person who may sell or offer for sale in any respect whatever, preserved or canned fruits and vegetables, or other articles of food, unless such articles bear a

mark to indicate the grade or quality, together with the name and address of such person, or corporation that packed the same.—*As amended February 20, 1907, Session Laws 1907, ch. 91, p. 155. See Bul. 69, Rev., Pt. VIII, p. 699.*

Laws of 1903, ch. 82, art. 6, p. 109.

SEC. 2. *Assistant chemist; salary; duties.* The Board of Trustees of the University of Wyoming is hereby authorized and empowered to employ an assistant to the regular professor of chemistry, who shall receive a salary of sixteen hundred dollars per year for his services, to be paid by the State of Wyoming out of any moneys not otherwise appropriated, the same to be paid by the State Auditor in the manner provided for the payment of other accounts against the State. The Assistant Chemist shall keep his office at the University of Wyoming, and the Board of Trustees of said University shall furnish the necessary room for the carrying out of the provisions of this act. The Assistant Chemist shall perform such duties as he may be required to perform by the State Chemist.—*As amended February 20, 1907; Session Laws of 1907, ch. 91, p. 153. See Bul. 69, Rev., Pt. VIII, p. 694.*

Laws of 1903, ch. 82, art. 1, p. 102.

SEC. 8. *Adulteration defined.* Any article shall be deemed to be adulterated within the meaning of this act— * * *

(b) In case of foods or beverages: (1) If it contains any form of aniline dyes, or of coal tar dyes; (2) if colored with a harmless vegetable dye, and the name thereof is not given on the label; (3) if it contains formaldehyde, benzoic acid, sulphurous acid, boric acid, salicylic acid, hydrofluoric acid, saccharin, betanaphthol, or any salt or antiseptic compound derived from these products; (4) if any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity; (5) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (6) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (7) if it is an imitation of, or is sold under the name of another article; (8) if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in case of milk, if it is the produce of a diseased animal; (9) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (10) if it contains any added substance or ingredient which is poisonous or injurious to health.

Provided, That an article of food or beverage shall not be deemed adulterated in the following cases:

First—If it be a mixture or compound of recognized food products or ingredients of food products not included in definitions seven and eight of division "b" of this section, provided each and every package sold or offered for sale be distinctly labeled as mixtures or compounds with the name and per cent therein and are not injurious to health: *Provided*, This provision shall not be construed to authorize the use of artificial coloring matter or preservatives.

Second—In the case of candies and chocolates, if they contain no terra alba, barytes, talc, chrome yellow or other mineral substances or aniline dyes or other coal tar dyes or other poisonous colors, flavors, or products detrimental to health.

Third—If in the case of baking powders or any mixture or compound intended for use as a baking powder they have affixed to each and every box,

can or package containing such powder or like mixture or compound, a light colored label upon the outside and on the face of this there is distinctly printed with black ink and in clear, legible type no smaller than eight-point heavy Gothic caps and name and address of the manufacturer and the words, 'This baking powder is composed of the following ingredients and none others,' and immediately after said words shall be printed in the above style and type the true and common name of each and all ingredients contained in or constituting a component part of such baking powder mixture or compound, and provided said baking powder or like mixture or compound shall not involve less than eight per cent of its weight of carbon dioxid upon boiling with pure water.

Fourth—In the case of perishable goods put up in bulk, sodium benzoate may be used in proportion not to exceed one part in twelve hundred in such products and under such regulations as may be determined upon and proclaimed by the Dairy, Food and Oil Commissioner. This clause shall not be applicable to any case at any time when products can be commercially produced without the use of chemical preservatives. Where the use of preservatives is permitted, the fact shall be clearly set forth on this label in the form and manner as prescribed by the Dairy, Food and Oil Commissioner.—*As amended February 20, 1907; Session Laws 1907, ch. 91, pp. 153-154. See Bul. 69, Rev., Pt. VIII, p. 69½.*

Laws of 1903, ch. 82, art. 1, p. 102.

BAKING POWDER.

See General Food Laws, page 145.

CANDY.

See General Food Laws, page 145.

MEAT.

SEC. 3. *Sale of undrawn meats unlawful.* Every person who shall sell, offer, or expose for sale for human food, any slaughtered or dressed poultry, game birds, or game animals, wild or domestic of any description, or fish, from which the entrails, crops, and other objectionable or offensive parts have not been drawn and removed immediately after the same has been killed or slaughtered for market, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty, nor more than two hundred dollars, and in addition, the court may in its discretion order the confiscation and destruction by the Commissioner of any or all such products sold or offered for sale.

SEC. 4. *Fine.* Every dealer in slaughtered fresh meats, fish, fowl, or game for human food, at wholesale or retail, at any established place or as a peddler, in the transportation of such food from place to place to customers, shall protect the same from dust, flies, or other vermin or substances which may injuriously affect it, by securely covering it while being so transported. Any person or corporation convicted of violation of this act shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars, and in addition thereto, the goods in controversy may be ordered confiscated and destroyed by the Dairy, Food and Oil Commissioner at the discretion of the court.

Approved February 20, 1907. Session Laws 1907, ch. 91, p. 155.

PRESERVATIVES.

See General Food Laws, page 145.

VINEGAR.

SEC. 5. *Adulteration; labeling.* No person shall manufacture for sale or offer for sale, or have in his possession with intent to sell within the State of Wyoming, any vinegar found, upon proper test, to contain any preparation of lead, copper, sulphuric or other mineral acid or other ingredients injurious to health, or any foreign coloring matter, and all packages containing vinegar shall be branded on the head of the cask, barrel, keg, or jug, or any other container containing such vinegar, or if sold in other packages that each package be plainly marked with the name and residence of the manufacturer, together with the brand required in the provisions of this act.—*As amended February 20, 1907; Session Laws of 1907, ch. 91, p. 155. See Bul. 69, Rev., Pt. VIII, pp. 703-704.*

Laws of 1903, ch. 82, art. 6, p. 109.

APPENDIX.

NEW YORK.

DAIRY PRODUCTS.

32.^a *Unclean receptacles and places for keeping milk; notice to violators of provisions.* No person, firm, association or corporation, producing, buying or receiving milk for the purpose of selling the same for consumption as such, or for manufacturing the same into butter, cheese, condensed milk, or other human food, shall keep the same in utensils, cans, vessels, room or rooms, building or buildings that are unclean or have unsanitary surroundings or drainage, or in any condition whatsoever that would tend to produce or promote conditions favorable to unhealthfulness or disease. The commissioner of agriculture shall notify all persons, firms, associations or corporations, violating this section, to clean said utensils, cans, vessels, room or rooms, building or buildings, or to so improve the sanitary conditions that the law will not be violated, and if such notice is complied with in ten days' time, Sundays excepted, then no action shall lie for a violation of this section. Any person or persons having charge of any milk gathering station where milk is bought or received from the dairymen for the purpose of selling the same for consumption or shipping the same to market for consumption as human food before taking such charge or operating or working as such agent or person in charge shall apply to the commissioner of agriculture for a license to so work or operate or have charge, and shall at the time of making such application, file with the commissioner a statement under oath, setting forth the fact that he will not while having charge of or operating any such milk gathering establishment or while employed therein adulterate or suffer or permit the adulteration of any such milk or any product thereof during the term for which he may be licensed. After the applicant shall have complied with the foregoing provisions of this section, the commissioner of agriculture upon being satisfied that the applicant is a person of good moral character and a qualified and proper person to so have charge of or operate any such milk gathering station or establishment shall issue to said applicant a license, which shall qualify him to have charge of any such milk gathering station or establishment for the period of two years from the date of such license. The person regularly doing the work of receiving, caring for and shipping the milk at any station or establishment, or in case more than one person is so employed then the foreman in charge of such work shall be deemed to be a person in charge of such station or establishment within the meaning and purposes of this section. Such license certificate shall be kept at such station or establishment where the licensee is so employed and shall be open to the inspection of the representatives of the department of agriculture and the public. Any person or persons having charge of any milk gathering station or establishment as aforesaid, shall keep a true and correct daily record of the receipts of milk or

^a Also amended April 19, 1907, but not included in this compilation, as this later amendment evidently repeals the former, though not so stated in Statutes.

other dairy products received at such station or establishment, and if milk so received is delivered to such station or establishment at two regular periods each day, namely, in the morning and at night, then such daily record must separately show such receipts of milk at each of such periods. Any person or persons having charge of any milk gathering station or establishment as aforesaid shall also keep a true and correct daily record of all sales or shipments of milk, cream and dairy products shipped or sold from such station or establishment, and of all pure milk, skim milk and cream which at the end of the day remains on hand at such station or establishment to be used, shipped or otherwise disposed of on following days, and shall keep a true and correct daily record of the cream there produced by skimming or artificial separation and the amount of milk used therefor, also the amount of other dairy products there manufactured, and shall also keep a full, true and correct daily record of all skim milk there received and of all skim milk there produced by such separation or skimming at such station or establishment, and of the sale, shipment, use or disposition of the same, and each separate sale or shipment of skim milk therefrom with the name and address of each person to whom the same is so shipped or sold and the quantity of the same so shipped or sold to each of such persons. Which record shall be preserved at such station or establishment for at least two years after the same shall have been made and such records shall at all times be open to the inspection of the commissioner of agriculture, his assistants or agents. The commissioner of agriculture may prepare and supply to persons in charge of such milk gathering stations or establishments blank forms upon which to make such daily records, upon application for the same. When cream is sold or shipped from any such station or establishment so selling or shipping milk for consumption as aforesaid, each bottle or package of one quart or less of cream so shipped or sold shall bear a label securely attached to the side of such bottle or package on which shall be conspicuously printed the word "cream" in black letters of at least one-fourth of an inch in length or else the word "cream" shall be blown in the side of such bottle in plain raised letters of at least one-half an inch in length, and the top and side of each and every other package or can containing cream or crate or case containing bottles of cream so shipped or sold shall bear a label securely attached on which shall be conspicuously the word "cream" in black letters of at least one inch in length and also a plainly written or printed statement on the label stating from whom and what station the same is shipped and the name of the consignee and appointed destination and the date on which the cream therein was produced by such separation or skimming. The shipment of each and every such package of cream so shipped and not so labeled as herein required shall constitute a separate violation. When cream is so separated or skimmed from milk at any such station or establishment and the supply of milk on hand thereat at the time of the next regular daily shipment of milk therefrom, consisting of the total amount of milk in such shipment, together with that remaining on hand immediately after such shipment is not thereby decreased or correspondingly less than the total quantity received during any period extending from some point of time before such skimming was done until the time of such shipment, together with the amount of milk on hand at the commencement of such period, and such decrease if not equal in amount to the quantity of milk that must have been used in so separating such cream in addition to the quantity otherwise there used or disposed of during such period, such fact is conclusive that skim milk or other foreign substance was added to such milk supply within such period and shall be presumptive evidence within the meaning of this section that the same was added to each can or

vessel of milk in such shipment. When cream or skim milk is found to have been on the premises of any such station or establishment or is sold or shipped therefrom, such cream or skim milk so found or so sold or shipped therefrom shall be presumed to have been produced by separating or skimming at such station or establishment. In any action or proceeding relative to the adulteration of milk by removing cream therefrom or adding skim milk or other foreign substance thereto, it shall be presumed that when cream has been produced by so skimming or separating, or butter has been manufactured, there was used at least five quarts of milk in the production of each quart of cream so produced and there was necessarily so produced thereby at least four quarts of skim milk to each quart of cream so produced, and that there was used at least nine quarts of milk in the production of each pound of butter so manufactured. If any such person so duly licensed shall thereafter refuse or neglect to keep and preserve full and complete record as herein required or shall refuse to exhibit such records to the commissioner of agriculture, his assistants or agents or shall violate any of the provisions of this section or any of the provisions of the agricultural law relative to milk or the products thereof he shall forfeit his license and shall be disqualified for a period of five years from being again licensed by the commissioner of agriculture. The commissioner of agriculture shall have the power to subpœna or subpœna duces tecum, issued and attested by him in his official capacity to require the attendance and testimony before him, or any of his assistant commissioners, of any person or persons, whom he may have reason to believe has knowledge of any alleged violation of the agricultural law, and the production, before him or any of his assistant commissioners of agriculture of any records, books, papers and documents for the purposes of investigating any alleged violation of the agricultural law. Such subpœnas or subpœnas duces tecum may be served by any person over the age of twenty-one years. No person shall be excused from attending and testifying or producing any records, books, papers or other documents before said commissioner of agriculture or any of his assistant commissioners of agriculture upon such investigation upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal action, investigation or proceeding. Any person or persons who shall omit, neglect or refuse to attend and testify or to produce any records, books, papers or documents, if in his power so to do, in obedience to such subpœna or subpœna duces tecum shall be guilty of a misdemeanor. Any person who shall wilfully and knowingly make any false statement under oath before the commissioner of agriculture, or his assistant commissioners of agriculture concerning a material matter, shall be guilty of perjury. The commissioner of agriculture and his assistant commissioners of agriculture are hereby authorized and empowered to administer oaths and affirmations in the usual appropriate forms to any person or persons in any matter or proceedings authorized as aforesaid and in all matters pertaining or relating to the agricultural law and to take and administer oaths and affirmations in the usual appropriate forms, in taking any affidavit or deposition which may be necessary or required by law or by any order, rule or regulation of the commissioner of agriculture for or in connection with the official purposes, affairs, powers, duties or proceedings of said commissioner of agriculture or his assistant commissioners of agriculture or any official purpose

lawfully authorized by said commissioner of agriculture.—*As amended July 22, 1907; Laws of 1907, vol. 2, ch. 713, pp. 1626–1631. See Bul. 69, Rev., Pt. V, p. 424.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes, 1901, vol. 1, art. 2, pp. 165–176.

32-a. *Unsanitary cans and receptacles condemned.* All cans, or receptacles used in the sale of milk, cream or curd for consumption, or in transporting or shipping the same to market or the delivery thereof to purchasers for consumption as human food, when found by the commissioner of agriculture or his assistants or agents to be in unfit condition to be so used by reason of being worn out, badly rusted, or with rusted inside surface, or unclean or unsanitary or in such a condition that they cannot be rendered clean and sanitary by washing, and will tend to produce or promote in milk, cream or curd when contained therein, bad flavors, unclean or unwholesome conditions favorable to unhealthfulness or disease, shall be condemned by the commissioner of agriculture or his assistants or agents. Every such can or receptacle when so condemned shall be marked by a stamp, impression or device, designed by the commissioner of agriculture, showing that they have been so condemned, and when so condemned shall not thereafter be used by any person for the purpose of so selling, transporting or shipping milk, cream or curd.—*Added July 18, 1907; Laws of 1907, vol. 2, ch. 610, p. 1432. See Bul. 69, Rev., Pt. V, p. 426.*

32-b. *Receptacles to be cleaned before returned; may be seized; evidence; violation; milk can inspectors.* Whenever any can or receptacle is used for transporting or conveying milk, cream or curd to market for the purpose of selling or furnishing the same for consumption as human food, which can or receptacle, when emptied, is returned or intended to be returned to the person or persons so selling, furnishing or shipping such substance to be again thus used, or which is liable to continued use in so transporting, conveying, selling or shipping such substance as aforesaid, the consumer, dealer or consignee using, selling or receiving the milk, cream or curd from such can or receptacle, shall, before so returning such can or receptacle, thoroughly remove all particles of such substance therefrom, by rinsing with water or otherwise. When any such milk, cream or curd is sold within any city of this state or shipped into any such city, the fact of such shipment or sale shall be prima facie evidence that the same was so shipped or sold for consumption as human food. When any such can or receptacle is returned or delivered or shipped to any person or creamery so selling such substance within, or shipping the same into any such city, it is deemed that such can or receptacle is liable to such continued use in so selling or shipping such substance therein for consumption as human food within the meaning and purposes of this and the preceding sections. No person shall place or suffer to be placed in any such can or receptacle any sweepings, refuse, dirt, litter, garbage, filth or any other animal or vegetable substance liable to decay and tending to produce or promote an unsanitary condition, nor shall any such consignee or other person through himself, his agent or employe, bring or deliver to any person or railroad or other conveyance any such can or receptacle for the purpose of such return, or any milk, cream or curd can or receptacle for the purpose of delivery or shipment to any person or creamery engaged in so selling or shipping such substances for consumption as human food, which can or receptacle contains such particles of milk, cream or curd, or such other substance as is herein prohibited from being placed therein. The word "curd" as used in this and the preceding section applies to the substance otherwise known as "pot cheese" or "cottage cheese." Whenever any such

can or receptacle is used, returned, delivered or shipped in violation of this section, or of section thirty-two-a of this chapter, every such use, return, delivery or shipment of each such can or receptacle shall be deemed a separate violation thereof. Such cans or receptacles so used, returned, delivered or shipped in violation of this section or of section thirty-two-a may be seized by the commissioner of agriculture, his assistants or agents and held as evidence of such violation. For the proper enforcement of this section and section thirty-two-a the commissioner of agriculture may appoint two milk can inspectors to be stationed chiefly in the city of New York who shall receive the usual compensation of other agents of the department of agriculture.—*Added July 18, 1907; Laws of 1907, vol. 2, ch. 610, pp. 1432-1434. See Bul. 69, Rev., Pt. V, p. 426.*

Laws of 1893, ch. 338; Cumming and Gilbert's General Laws and other General Statutes 1901, vol. 1, art. 2, pp. 165-176.

WISCONSIN.

GENERAL FOOD LAWS.

335c. Dairy and food bulletins. The said dairy and food commissioner may also, with the consent of the governor, and in accordance with the laws regulating the printing and publication of public documents or bulletins, prepare, print and distribute to such persons as may be interested, or may apply therefor, a quarterly or semiannual bulletin in suitable paper covers, containing results of inspections, results of analyses made by the chemist for the dairy and food commission, with popular explanations of the same and such other information as may come to him in his official capacity, relating to the adulteration of food, drug and drink products, and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of the work done during the quarter by the commissioner and his assistants in the enforcement of the dairy and food laws of the state; but not more than fifteen thousand copies of each such quarterly bulletin shall be printed.—*As amended July 9, 1907; Laws of 1907, ch. 519, pp. 65-66. See Bul. 69, Rev., Pt. VIII, p. 682.*

Statutes of 1898, vol. 1, ch. 20, p. 314.

BREAD.

1636-66. Bakery inspector; salary and expenses. It shall be the duty of the state bureau of labor and boards of health, both state and local, to see that the provisions of this act are enforced and the commissioner of labor shall appoint a proper and competent person to act as bakery inspector for two years, who shall perform his duties under the direction of the said commissioner. The state factory inspector or any assistant state factory inspector shall have the same power as the bakery inspector. The said bakery inspector shall receive a salary of * * * twelve hundred dollars per annum * * * and necessary * * * expenses incurred in the performance of his official duties, to be paid out of the general fund not otherwise appropriated.—*As amended July 9, 1907; Laws of 1907, ch. 530, p. 387. See Bul. 69, Rev., Pt. VIII, pp. 674-675.*

MEAT.

SEC. 1. Meat market licenses. The common council of every city of the first class shall have authority by ordinance to license and regulate meat markets.

Approved July 12, 1907. Laws of 1907, ch. 587, p. 1196.

SIRUP.

4601-1a. *Syrups, molasses, glucose mixtures; required labels; wording, color, type.* No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall sell, offer or expose for sale or have in his possession with intent to sell any syrup, maple syrup, sugar-cane syrup, sugar syrup, refiners' syrup, sorghum syrup, molasses or glucose, unless the same be true to the name under which it is sold and as defined in the standards of purity for food products as * * * latest promulgated by the United States * * * Secretary of Agriculture, and unless the barrel, cask, keg, can, pail or * * * other original container, containing the same be distinctly branded or labeled with the true name of its contents, as defined in the above named standards; and no person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall sell, offer or expose for sale or have in his possession with intent to sell any syrup, maple syrup, sugar-cane syrup, sugar syrup, refiners' syrup, sorghum syrup or molasses, mixed with glucose, unless the * * * barrel, cask, keg, can, pail or * * * other original container, containing the same be distinctly branded or labeled * * * so as to plainly show the true name of each and all of the ingredients composing such mixture, as follows:

First: In case said mixture shall contain glucose in a proportion not to exceed 50 per cent. by weight, it shall be labeled and sold as "Maple Syrup and Glucose," "Sugar-Cane Syrup and Glucose," "Sugar Syrup and Glucose," "Refiners' Syrup and Glucose," "Sorghum Syrup and Glucose," or "Molasses and Glucose," as the case may be;

Second: In case said mixture shall contain glucose in a proportion exceeding 50 per cent. and not more than 75 per cent. by weight, it shall be labeled and sold as "Glucose and Maple Syrup," "Glucose and Sugar-Cane Syrup," "Glucose and Sugar Syrup," "Glucose and Refiners' Syrup," "Glucose and Sorghum Syrup," "Glucose and Molasses," as the case may be;

Third: In case said mixture shall contain glucose in a proportion exceeding 75 per cent. by weight, it shall be labeled and sold as "Glucose flavored with Maple Syrup," "Glucose flavored with Sugar-Cane Syrup," "Glucose flavored with Sugar Syrup," "Glucose flavored Refiners' Syrup," "Glucose flavored with Sorghum Syrup," "Glucose flavored with Molasses," as the case may be. The labels provided for in this section shall be printed in type not smaller than eight-point Brevier caps and shall bear the name and address of the manufacturer or dealer. In mixtures in which glucose shall be mixed with any syrup or molasses in the proportion of not more than 50 per cent. by weight of the total product, the word "Glucose" shall be printed in type of the same size and style and the same color as may be used in printing the name of any syrup or molasses with which the glucose may be mixed, and said mixture shall be so labeled and sold. In mixtures in which glucose shall be mixed with any syrup or molasses in the proportion of not more than 75 per cent. and not less than 50 per cent. by weight, the word "Glucose" shall be printed in the same color and in type of the same style, but one-third larger than the size of the letters which may be used in the printing of the name of any syrup or molasses with which it may be mixed, and such mixture shall be so labeled and sold. In all mixtures in which glucose is used in the proportion of more than 75 per cent. by weight, the name of the syrup or molasses which is mixed with the glucose for flavoring purposes and the words showing that said syrup or molasses is used as a flavoring, as provided in this section, shall be printed on

the label of each container of such mixture in the same color, and in the same style of type, but not larger than ten-point caps. * * * The mixtures or syrups designated in this section shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and the general or distinguishing label shall be the principal and conspicuous sign under which it is sold; nor shall any of the aforesaid glucose, syrups, molasses or mixtures contain any substance injurious to health, nor any other article or substance otherwise prohibited by law in articles of food.—*As amended and added to the Statutes July 10, 1907; Laws of 1907, ch. 557, pp. 646-647. See Bul. 69, Rev., Pt. VIII, p. 688.*

4601-2a. Maple syrup: required labels; wording, color, type. No person, firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation, shall solicit or take orders for delivery, or sell, exchange, deliver or have in possession with intent to sell, exchange or expose, or offer for sale or exchange, any maple syrup mixed with sugar-cane syrup, sugar syrup, refiners' syrup, sorghum syrup or molasses, unless the same be labeled and sold so as to show the true name of each and all of the ingredients contained therein and unless each barrel, cask, keg, can, pail or other original container, containing the same, be distinctly branded or labeled and sold so as to plainly show the true name of each and all of the ingredients composing such mixture, as follows:

First: If said mixture shall contain 50 per cent. or more by weight of maple syrup, it shall be labeled and sold as "Maple Syrup and Sugar-Cane Syrup," "Maple Syrup and Sugar Syrup," "Maple Syrup and Refiners' Syrup," "Maple Syrup and Sorghum Syrup," or "Maple Syrup and Molasses," as the case may be;

Second: If said mixture shall contain not less than 25 per cent., nor more than 49 per cent., by weight, of maple syrup, it shall be labeled and sold as "Sugar-Cane Syrup and Maple Syrup," "Sugar Syrup and Maple Syrup," "Refiners' Syrup and Maple Syrup," "Sorghum Syrup and Maple Syrup," or "Molasses and Maple Syrup," as the case may be;

Third: If said mixture shall contain less than 25 per cent., by weight, of maple syrup, it shall be labeled and sold as "Sugar-Cane Syrup flavored with Maple Syrup," "Sugar Syrup flavored with Maple Syrup," "Refiners' Syrup flavored with Maple Syrup," "Sorghum Syrup flavored with Maple Syrup," or "Molasses flavored with Maple Syrup," as the case may be.

All labels provided for in this section shall be printed in English, in type not smaller than eight-point Brevier caps and shall bear the name and address of the manufacturer or dealer. In mixtures in which maple syrup shall be mixed with molasses or any or either of the syrups designated in this section, in the proportion of not less than 50 per cent. by weight of the total product, the word "Maple" shall be printed in type of the same size and style and in the same color as may be used in the printing of the name of any other syrup or molasses with which the maple syrup may be mixed, and said mixture shall be so labeled and sold. In mixtures in which maple syrup shall be mixed with molasses or any or either of the syrups designated in this section, in the proportion of not less than 25 per cent., and not more than 49 per cent., by weight of the total product, the word "Maple" shall be printed in the same color, and in type of the same style, but not larger than two-thirds of the size, of the letters which may be used in printing the name of any syrup or molasses with which maple syrup may be mixed, and such mixture shall be so labeled and

sold. In all cases in which maple syrup shall be mixed with any of the syrups designated in this section, in the proportion of less than 25 per cent., by weight of the total product, the word "Maple" and the words showing it to be used as a flavor, as provided in this section, shall be printed on the label of each container of such mixture in the same color and in the same size and style of type, but not larger than ten-point of Brevier caps.^a The mixtures or syrups designated in this section shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and the general or distinguishing label shall be the principal and conspicuous sign under which it is sold; nor shall any of the aforesaid glucose, syrups, molasses or mixtures contain any substance injurious to health, nor any other article or substance otherwise prohibited by law in articles of food.—*As amended and added to the Statutes July 10, 1907; Laws of 1907, ch. 557, pp. 648-649. See Bul. 69, Rev., Pt. VIII, p. 688.*

4601-3a. Violations of two preceding sections; penalty. Whoever shall do any of the acts or things prohibited, or neglect, or refuse, to do any of the acts or things required by this act, or in any way violate any of the provisions of this act shall * * * be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than sixty days.—*As amended and added to the Statutes July 10, 1907; Laws of 1907, ch. 557, p. 649. See Bul. 69, Rev., Pt. VIII, p. 688.*

Statutes of 1898, vol. 2 ch. 187.

^aSo in Statutes.

